

THE REACTIONS AND ATTITUDES OF AFRICANS IN SOUTHERN GHANA
TO THE BRITISH COLONIAL POLICY OF INDIRECT RULE, 1925-1951.

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ABSTRACT

This study is concerned with examining, investigating and assessing the nature and significance of the protest and resistance of both urban and rural Africans in Southern Ghana, or what used to be called the Gold Coast Colony, to the British colonial policy of Indirect Rule during the second quarter of this century.

It has been argued that there were various factors which frustrated and made it impossible to establish a successful system of Indirect Rule in the Gold Coast Colony. One such factor was that the Akan political system was characteristically democratic in theory and practice. By contrast, Indirect Rule was by nature authoritarian and autocratic. In short, the democratic Akan political system and the autocratic Indirect Rule system were contradictory and could not possibly co-exist.

Furthermore, in their opposition to the Indirect Rule system, the African leadership maintained that the chiefs' rights of jurisdiction were inherent in them by virtue of the position to which they had been elected by their people and they denied that they were derived from or exercisable at the will of the Crown. They argued that the Gold Coast was not conquered or ceded and thus the British Crown could not claim sovereignty over the chiefs. The result was that British legislation in the Gold Coast avoided, until 1944, any explicit commitment to the absolute sovereignty of the Crown.

In addition, Western education, Christianity, economic growth and the activities of the press, all tended to weaken the authority of the chiefs and consequently contributed to the failure of Indirect Rule. The educated Africans - used here loosely to refer to both the intelligentsia and the semi-educated "youngmen" - came out strongly against the Indirect Rule system because, in their opinion, it tended to turn the

balance of political power in favour of the chiefs. The educated Africans could not accept this as they considered themselves, and not the chiefs, destined to the political leadership of the country.

It must be stressed, however, that the educated Africans were not against chieftaincy; their respect for the position of the chiefs as a representative of the stool was never in question. It was in fact very misleading in the Gold Coast to speak of "detribalised" or "denationalised" Africans. Indeed one reason why chieftaincy survived in Ghana was apparently due to the fact that even the educated elements showed a great respect for it.

A second reason why chieftaincy survived was that under the customary constitution the people possessed the power to destool their chiefs. If the people felt that their chief had defied their wishes and supported unpopular colonial policies, they would simply destool him. Thus, fearing destoolment, the chiefs avoided close identification with or integration into the colonial system.

Finally, some credit must also be given to the chiefs themselves in preserving the dignity and prestige of chieftaincy. First, some of the chiefs tried to accommodate themselves with educational and social changes by seeking to educate themselves and their heir-apparents. Secondly, some of the chiefs were very prominent in the leadership of the nationalist movement.

Besides investigating the role of the educated Africans, an attempt has been made in this study to throw new light on the role of the rural people in the development of Ghanaian nationalism. It has been argued that the rural people had a long and impressive record of anti-colonial protest. What Nkrumah did was to exploit this discontent and dissatisfaction among the rural people and use it for his cause.

Finally, the study has explained and demonstrated that Africans' anti-colonial protest, which took different forms, ranging from passive resistance to "disturbances" and "riots", was organised, forceful and above all successful. As a result, Indirect Rule policies such as the Provincial Councils system, the Native Administration Ordinance, direct taxation, the stool treasuries system, etc., were seriously challenged and frustrated. In short, as a result of this African anti-colonial protest, the classic application of Indirect Rule of the type developed by Lugard in Northern Nigeria was never successfully applied in the Gold Coast Colony.

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ABBREVIATIONS

| | |
|-------------|--------------------------------------------------------------|
| A.R.P.S. | The Gold Coast Aborigines' Rights Protection Society |
| C.N.C. | Central National Committee |
| C.P.P. | The People's Convention Party |
| C.S. | Colonial Secretary |
| C.Y.O. | Committee on Youth Organisation |
| D.C. | District Commissioner |
| G.N.A. | Ghana National Archives |
| J.A.H. | Journal of African History |
| J.P.C. | The Joint Provincial Council |
| L.A.I. | The League Against Imperialism |
| Leg.Co. | Legislative Council |
| N.A.O. | The Native Administration Ordinance |
| N.C.B.W.A. | The National Congress of British West Africa |
| N.J.O. | The Native Jurisdiction Ordinance |
| P.R.O.,C.O. | The Public Record Office, Colonial Office papers, London |
| S.N.A. | The Secretary for Native Affairs |
| S. of S. | The Secretary of State for the Colonies |
| T.H.S.G. | Transactions of the Historical Society of Ghana |
| U.A.C. | United African Company |
| U.G.C.C. | The United Gold Coast Convention |
| W.A.S.U. | The West African Students Union of Great Britain and Ireland |
| W.A.Y.L. | The West African Youth League |

CHAPTER ONETHE MEANING OF INDIRECT RULE

"Indirect rule", in the wider sense of the term, as a general expedient or policy by which a conquering people preserve and utilise the institutions of the conquered, was as old as man's migrations and conquests.¹ Rome was the most famous empire to adopt such an expedient.

Several factors also made this expedient acceptable to the British. "Among these," wrote Miss Margery Perham,

was the tradition of colonial self-government in the earlier 'white' colonies; the extensiveness of the new 'coloured' empire; its distant and scattered distribution; and the cost and difficulty of extending sufficient British staff to establish 'direct' relations with tens of millions of new subjects.²

Examples of Britain's adoption of this general expedient of ruling "indirectly" could be found in the Indian states, Malaya, Fiji, or in Buganda and Basutoland.³

In West Africa, Mary Kingsley aired this indirect principle in her West African Studies.⁴ With her characteristic foresight, she warned that "ruling on European principles through Natives, is very different from ruling on African principles through Natives".⁵

¹M. Perham, Native Administration in Nigeria, London 1962 (first edition, 1937), 345.

²M. Perham's introduction of the 5th edition of The Dual Mandate, London 1965, XXXIX.

³Ibid., XL.

⁴M. Kingsley, West African Studies, London 1899, particularly chapter XVII.

⁵Ibid.

Sir George Goldie, the founder of the Royal Niger Company, held ideas which appeared to run closely upon these lines. He maintained that, "if the welfare of the native races is to be considered, if dangerous revolts are to be obviated, the general policy of ruling on African principles through native rulers must be followed...." ¹ J. E. Flint, Goldie's definitive biographer, was of the opinion that

Perhaps Goldie's most significant historical contribution was in the sphere of administration; through the administrative system of the Royal Niger Company he laid down the theoretical basis for what was later to become known as indirect rule - the system of administration based on using the existing legitimate African rulers. ²

However, it must be stressed, as Flint himself admitted, that Goldie's work was in the main theoretical. The great practical task of establishing a really effective system fell, as we shall soon explain, to Lord Lugard.

In the Gold Coast, in particular, with which we are here concerned, the British rule was from the start, as we shall describe in detail in chapter two, "indirect".

Our primary concern in this study, however, is with the narrow and not the wide meaning of "Indirect Rule"; ³ with the practical implementation and not the theoretical idea. This was generally connected with the methods by which Lord Lugard and his immediate successors in Northern Nigeria developed, during the early years of this century, a rather widespread expedient into a carefully elaborated administrative system of colonial government having its known characteristics and its comprehensive code of laws and regulations.

¹Quoted in J. E. Flint, Sir George Goldie and the Making of Nigeria, London 1960, 262.

²Ibid., 94.

³To distinguish ^dindirect rule in its wide sense or as a general expedient from indirect rule in its narrow meaning, as I shall soon explain, I have throughout this study, designated the latter (Indirect Rule).

It must be quickly added that Lugard did not introduce the principles of Indirect Rule into West Africa. Governor F. Cardew had already established an explicitly formulated Indirect Rule system in Sierra Leone during the period between 1894 and 1900.¹ So why did the Indirect Rule system come to be generally connected with Lugard? First, as I. F. Nicolson explained, Lugard succeeded in a propaganda campaign directed towards the creation of his own fame as an administrator, and of the "myth" of the superiority of his territory, and his methods, over all others.² In this, he was helped by briefing of The Times through that august journal's colonial department head, Flora Shaw. Lugard's marriage to Flora Shaw in 1902 gave him a formidable ally, a whole diplomatic intelligence, and publicity service in one person.³

"Lugard's myth" as "a great and humane administrator", and "a great public servant" prevailed throughout his life and continued well after his death. It was strongly upheld and confirmed by his definitive biographer, M. Perham.⁴ In fact, the first time it was seriously challenged was in 1969 by I. F. Nicolson.

Secondly, Lugard was a very thorough man and his lavish documentation in laws and instructions, and later his classic, The Dual Mandate, helped to diffuse his model of administration.⁵ Finally, his own school of administrators were promoted to important posts in Africa and beyond and carried his principles with them.

¹ C. Fyfe, A History of Sierra Leone, Oxford University Press, 1962, 522-523 and 541-551.

² I. F. Nicolson, The Administration of Nigeria, 1900-1960, Oxford, 1969, 125.

³ Ibid.

⁴ M. Perham, Lugard: The Years of Adventure, 1858-1898; and Lugard: The Years of Authority, 1898-1945, London, 1960.

⁵ For example, M. Perham, The Colonial Reckoning, London, 1961, 58.

In any case, Lugard's model, as first applied in Northern Nigeria, became the transcendent example of the working of the Indirect Rule system at its best. It was applied, with a bewildering variety of modifications, in other of Britain's possessions in Africa. In the Gold Coast, during the period covered by this study, 1925-1951, when the Government talked of introducing Indirect Rule, what they meant was that they were remodelling chieftaincies or states on the Northern Nigerian pattern. Hence, to understand what was meant by Indirect Rule and to examine and assess its failures and successes in the Gold Coast, it becomes important to define and describe the essential principles and attributes of the Northern Nigerian model.

So what was this Northern Nigerian model of Indirect Rule?

Lugard, its architect, referred to it as the

Rule through the Native Chiefs, who are regarded as an integral part of the machinery of Government, with well defined powers and functions recognised by Government, and by law, and not dependent on the caprice of an executive officer. 1

To Sir Charles Temple, for many years Resident and then Lieutenant-Governor of Northern Nigeria from 1914 to 1917 and a supporter of the Indirect Rule system, though not an uncritical one, Indirect Rule meant a:

¹ Lugard, The Political Memoranda. These were the instructions originally issued by Lugard when he was High Commissioner of Northern Nigeria and were, after revision, published in a book form in 1906 for the guidance of his political officers. Later after the amalgamation of Nigeria these instructions were further altered so as to be applicable to the whole of Nigeria and were published in 1919. For lengthy extracts from these instructions see A. H. M. Kirk-Greene (ed.), The Principles of Native Administration in Nigeria: Selected Documents, 1900-1947, London 1965, 68-148. I have myself depended on Kirk-Greene's extracts.

system of administration which leaves in existence the administrative machinery which had been created by the natives themselves; which recognises the existence of Emirs, Chiefs and Native Councils, Native Courts of Justice, Muhammadan Courts, Pagan Courts, Native Police controlled by a native executive, as real living forces, and not as curious and interesting pageantry; by which European influence is brought to bear on the native indirectly through his chiefs, and not directly through European officers - political, police, etc., and by which the European keeps himself a good deal in the background, and leaves the mass of native individuals to understand that the orders which come to them emanate from their own chief rather than from the all-per-¹vading white man.

In short, Charles Temple epitomised that rigid school of Indirect Rule with its insistence on the rationale of Indirect Rule as the protection of the "native" against the disintegration that would, in its view, result from too rapid a contiguity with western civilisation.²

Donald Cameron, Governor of Nigeria from 1931 to 1935, advocated Indirect Rule with a difference, a new look, modified and revived. To him, the cardinal principle of Indirect Rule (or Indirect Administration as he preferred to call it) was that the authority which the Government legally recognised must be the one desired by the people.³ The "Native Authority", he asserted, "that is not acceptable to the people and is maintained only because we impose it on them is ... almost certainly bound to fail".⁴ He envisaged three separate stages in the formation of an Administration: the investigation, of an intense anthropological nature, to discover who held authority; the voluntary acceptance by the people of that authority; and finally, the Government's legal recognition of authority.⁵ He viewed the fundamental

¹ C. L. Temple, Native Races and Their Rulers: Sketches and Studies of Official Life and Administrative Problems in Nigeria, London 1968 (first edition 1918), 30.

² A. H. M. Kirk-Greene, op.cit., 11.

³ Donald Cameron, Nigeria: The Principles of Native Administration and Their Application, Lagos 1934, 6.

⁴ Ibid.

⁵ M. Perham, Native Administration in Nigeria, 334.

objective of such a policy to be the need to

Adapt for the purpose of Local government the tribal institutions which the native peoples have evolved for themselves, so that the latter may develop in a constitutional manner from their own past, guided and restrained by the traditions and sanctions which they have inherited, moulded or modified as they may be on the advice of British officers and by the general control of those officers. ¹

In short, Cameron represented that "progressive" school of Indirect Rule which was more concerned with directing the evolution of indigenous institutions towards representative forms similar to those of western democracy, and less with stereotyping and preserving indigenous forms. ²

There were many other definitions of Indirect Rule by different administrators and scholars. ³ They all add to the view, which is clear from the evidence given above, that even in its original home, Northern Nigeria, Indirect Rule came to have different meanings even to those administrators who were responsible for its application. Indirect Rule, in Northern Nigeria, passed through different stages and its principles were restated and redefined from time to time. Indirect Rule in fact became the label for a whole tradition of colonial philosophy and administration, which comprised widely differing schools of thought. ⁴

¹ Donald Cameron, op.cit., 1.

² R. E. Robinson, "Why Indirect Rule has been Replaced by Local Government in the Nomenclature of British Native Administration", in Journal of African Administration, vol.II, July 1950, 13.

³ Indirect Rule was variously defined by scholars. For example, to Lucy Mair: "The element in the Indirect Rule policy from which it takes its name is the maintenance in their position of the authorities recognised by the native population, as the basis of development of a native administration fitted to perform the functions of a modern government". Native Policies in Africa, London 1936, 14. M. Perham defined Indirect Rule as "a system by which the tutelary power recognises existing African societies and assists them to adapt themselves to the functions of local government". Native Administration in Nigeria, 346.

⁴ R. E. Robinson, op.cit.

In spite of the continuous disagreement as to how Indirect Rule was to be interpreted, there were still characteristic principles common to the whole tradition of Indirect Rule. In my view, Indirect Rule was to be judged by the existence of three institutions: "Native Authority", "Native Revenue" and "Native Courts". I shall thus attempt here to describe, illustrate and explain these institutions or principles, depending largely on the writings of Lugard himself, the architect of Indirect Rule; his Political Memoranda and The Dual Mandate, which are generally accepted as the supreme sources for the study of Indirect Rule.

The essence upon which Indirect Rule was based was the recognition of the indigenous institutions which the people had evolved for themselves. Lugard asserted that,

I have ... continually emphasised the necessity of recognising, as a cardinal principle of British policy in dealing with native races, that institutions and methods, in order to command success and promote the happiness and welfare of the people, must be deep-rooted in their traditions and prejudices. ¹

Lugard urged upon his officers that the "Native" etiquette and ceremonial must be carefully studied and observed; "native" titles of rank must be adopted; and that succession to chieftaincy should be governed by "native" law and custom. ²

The exponents of Indirect Rule, or at least most of them, insisted that recognition of indigenous institutions did not necessarily imply

¹ Lugard, The Dual Mandate in British Tropical Africa, London 1922, 211.

² Ibid., 212-213.

an intention to preserve them intact.¹ They maintained that modifications and change in the form of these institutions was feasible and indeed inevitable.² In the terms which became familiar, Indirect Rule was conceived as "a means of endeavouring to graft our higher civilisation upon the soundly rooted native stock ... moulding it and establishing it into lines consistent with modern ideas and higher standards".³

In the words of P. E. Mitchell, at one time Governor of Uganda,

The administrative system called 'Indirect Rule' endeavours in each place where it is to be applied to ascertain what are the persons or institutions which the people concerned look upon as the natural authority. It looks, in doing this, to tradition, but it is not traditionalist, and its regard for old things is based not on their oldness but on their soundness; and after all, if things are both ancient and alive, it is a reasonable presumption that they are sound.⁴

The indigenous agencies, or more precisely, the chiefs, thus recognised were regarded by the Government as the de facto rulers of their people. The Government supported them in every way and upheld their authority.⁵ The Chief, together with his council, was designated a "Native Authority" or "Native Administration" organised through-

¹ Lord Hailey, Native Administration in the British African Territories, part IV, London 1951, 10.

² Ibid.

³ Ibid.

⁴ Sir P. E. Mitchell, "Indirect Rule", in The Uganda Journal, vol. IV, No. 2, 1936.

⁵ Lugard, The Political Memoranda.

out as a unit of local government.¹ The functions of a "Native Authority" were to maintain law and order in the area of its jurisdiction, which included controlling local police functions and prisons, according to customary legal principles.² In addition, a "Native Authority" was supposed to collect taxes, initiate local development programmes, such as schools and markets, and to maintain roads.³

Lugard's policy aimed at insuring that the "Native Authorities" thus constituted should be an integral part of the machinery of the administration. He wrote,

There are not two sets of rulers - British and native - working either separately or in co-operation, but a single Government in which the Native Chiefs have well defined duties and an acknowledged status equally with the British officials. Their duties should never conflict, and should overlap as little as possible; they should be complementary to each other ...⁴

¹Lugard, The Dual Mandate, 200.

The terms "Native Authority" and "Native Administration", both with upper case letters, are used in this study in the technical meaning which they acquired under Indirect Rule. In other words a "Native Authority" or a "Native Administration" is used here to refer to that local government unit with definite executive, judicial and financial functions. Lord Hailey defined "Native Administration" in its technical sense as "the procedure by which a Colonial Government, whose European establishment is necessarily restricted in numbers, has provided itself with the administrative machinery required for certain definite purposes of which the most important are the supervision of the tribal or other institutions which regulate the domestic affairs of most African communities, the maintenance of law and order, the assessment and collection of a native tax, the provision of local government services, and the establishment of tribunals for the adjudication of a wide range of issues to which natives are parties." Lord Hailey, Native Administration in the British African Territories, part IV, 1.

In short, a "Native Administration" or a "Native Authority" system was, as L. Gray Cowan pointed out, "the practical application of indirect rule." L. G. Cowan, Local Government in West Africa, New York 1958, 12-34.

²Lugard, The Dual Mandate.

³Lugard, The Political Memoranda.

⁴Ibid., also The Dual Mandate, 203.

It is important to point out that the chiefs thus constituted as "Native Authorities" were not to be independent rulers. They were the delegates of the Governor.¹ Undisputed sovereignty was one of Lugard's essential principles and he was determined from the start that there should be no uncertainty whatever about this question.² He declared that the Fulani had lost by defeat the powers that they had won by conquest. Now, by grace and not by right, some of these powers would be returned to them by delegation, to be retained by good behaviour.³ He asserted that "the chief himself must understand that he has no right to his place and power unless he renders his proper services to the state."⁴

Under the Indirect Rule system, in addition to the question of sovereignty, there were other limitations to the independence of the chiefs which could be summarised as follows:

1. The chiefs were not allowed to raise and control armed forces, or to grant permission to carry arms;
2. The sole right to impose taxation in any form was reserved to the colonial power;
3. The right to legislate was reserved to the colonial power. However, the chiefs were given limited legislative power. They were empowered to enforce native law and custom, provided it was not repugnant to humanity, or in opposition to any ordinance. They might also make rules on any subject, provided they were approved by the Governor;
4. The right to appropriate land for public purposes and for commercial requirements was vested in the Governor;
5. The right of confirming or denying the choice of the people for the successor to a chiefship, and of deposing any ruler for misrule or other "adequate cause" was reserved to the Governor.

¹ Lugard, The Dual Mandate, 204.

² M. Perham, Lugard: The Years of Authority, 148-149.

³ Ibid.

⁴ Lugard, op.cit.

⁵ Ibid., 205-207. Also The Political Memoranda.

Subject to these limitations, the "Native Authority" as a unit of local government was an authority on its own. It controlled the appointment and dismissal of its officials. The relationship of the political officer with his "Native Authority" was that of an "adviser" or a "supervisor". Lugard held that a political officer should interfere with the affairs of the "Native Authority" only in extreme circumstances. He wrote:

Government should be called upon as rarely as possible to intervene between the chiefs and people, for if a Native chief has lost prestige and influence to such a degree that he has to appeal to Government to enforce his order, he becomes not merely useless¹ but a source of weakness to the Administration.

The second principle or institution by which Indirect Rule was to be judged was the existence of a "Native Revenue". The imposition of a direct tax - usually an income or property tax - was in a sense the cornerstone of the whole system of Indirect Rule.

The fundamental objective of such a tax, in theory at least, was to assign to the "Native Authorities" a definite revenue with which to pay the salaries of their officials, to inaugurate schemes of development and to maintain their own livelihood and position.² Apart from the maintenance of the affairs of the "Native Authorities", Lugard viewed the imposition of a direct tax as necessary for the following reasons:

1. The direct tax was an acknowledgement of British suzerainty;
2. The direct tax was a corollary to the abolition of forced labour and domestic slavery;
3. The direct tax was a universal necessity of civilisation;
4. Only by personally assessing the direct tax in the villages did a political officer really get to know the people and the country.³

¹ Lugard, The Political Memoranda.

² Lugard, The Dual Mandate, 230.

³ Ibid., 230-255.

Where direct taxes existed as in Northern Nigeria, Lugard's system provided for two main innovations: the consolidation of these direct taxes into a single "general" annual tax, and the assessment of villages by British officials.¹ Although the tax was imposed, assessed, and its rate fixed by the Government, it was collected in the name of the "Native Authority" and by its own officials.² Of the tax collected, the "Native Authority" would usually retain one half and the other half would be taken by the Government.³

Closely associated with the question of taxation was the system of "Native Treasuries". Although not an introduction of Lugard's, the development and institutionalisation of "Native Treasuries" became fundamental to the idea of Indirect Rule as expounded by him in The Dual Mandate.⁴ This system provided for the establishment of a regulated, official treasury or treasuries for each "Native Authority". Into such a treasury or treasuries was paid the "Native Authority's" share of direct taxes and all its other sources of revenue such as market dues or the court fines and fees.⁵ A simple budget was drawn up annually to cover the salaries of the chief and other members and officials of the "Native Authority" and to distinguish them from other expenses of the administration such as public works and education.⁶ Finally, the "Native Treasuries" were required to keep accounts of receipts and expenditures and have them available for the inspection of the political officers.

¹ Ibid.; also Mary Bull, "Indirect Rule in Northern Nigeria, 1906-1911", in K. Robinson and F. Madden (eds.), Essays in Imperial Government, Oxford 1963.

² Lugard, The Dual Mandate, 242.

³ Ibid. Also M. Perham, Native Administration in Nigeria, 72.

⁴ The system of "Native Treasuries" was first introduced in about 1910 by Richard Palmer, the Resident of Katsina (later Lieutenant-Governor of Northern Nigeria, 1925-1930). The system was then gradually spread to the other emirates of Northern Nigeria. M. Perham, Lugard: The Years of Authority, 472; and Native Administration in Nigeria, 70-72.

⁵ M. Perham, Lugard: The Years of Authority, 472.

⁶ Ibid.

The third attribute of Indirect Rule was the system of "Native Courts". Indirect Rule recognised the existing indigenous judicial system and the courts administering it. ¹

The jurisdiction of these courts was limited to "Native" law and custom where Africans alone were involved, providing that "no punishment involving mutilation, torture, or grievous bodily harm may be inflicted".² These courts were set up by warrants in which the powers they might exercise and the limits of their jurisdiction were defined and the judges and members were named. ³ They were graded according to the power conferred upon them in the warrant establishing them. The "Native Court" was to be open at all times to the political officer who could revise the sentence or judgement or who could order a rehearing or even a retrial of the case in his court. ⁴ Finally, it is important to note that lawyers were not allowed to appear before the "Native Courts". In short these were the essential principles of Indirect Rule. But what were its objectives? The advocates of Indirect Rule agreed that its short term objective was the development of the "Native Authorities" into units of local government. But what was the long term objective? Was the aim of Indirect Rule to provide for the creation of completely independent African states? Was it to make African countries a constituent part of a British Commonwealth? If not, what were these countries to be?

If we turn to The Dual Mandate, we fail, as M. Perham correctly noted, to find a definite answer to this question. ⁵ Nonetheless, it

¹ Lugard, The Political Memoranda; The Dual Mandate, 548.

² M. Perham, Native Administration in Nigeria, 54.

³ Lugard, op.cit., 550.

⁴ Ibid., 551.

⁵ M. Perham, Lugard: The Years of Authority, 487.

is clear from The Dual Mandate that Lugard believed that the ultimate development of the African territories into complete independence "is not as yet visible on the horizon of time".¹ Hence, there seemed no need for him to deal in final goals.

In the period after Lugard, it became vaguely held by the exponents of Indirect Rule that its ultimate aim was to provide for self-government through the chiefs.² But, it must be emphasised that the attainment of self-government was not viewed by either the Colonial Office or the administrators responsible for the implementation of Indirect Rule as possible in any foreseeable future. For example, Francis Agbodeka is right in pointing out, in the case of the Gold Coast, that

no colonial administration before the fifties, not even Guggisberg's, felt that African independence could be a reality in the foreseeable future, and the oft-repeated platitude that the British were, since the twenties, engaged on preparing the African for self-government, must, to say the least, be taken with a pinch of salt.³

Having briefly outlined the system of Indirect Rule, it is important next to examine and explain why such a system which in theory seemed coherent and sound was subjected to voluminous criticism and became the bete noire of both the educated and rural Africans.

¹Lugard, op.cit., 198.

²For example, Lord Hailey, An African Survey: A Study of Problems arising in Africa South of the Sahara, Oxford, 1934. M. Perham maintained that "the ultimate test [of Indirect Rule] will be the ability with which the African territories take their place in the World as self-governing nations". M. Perham, "A Re-Statement of Indirect Rule", in Africa, vol.VII, No.3, July 1934.

³F. Agbodeka, "Sir Gordon Guggisberg's Contribution to the Development of the Gold Coast, 1919-1927", in T.H.S.G., vol.XIII, No.1, June 1972.

Perhaps the great weakness of Indirect Rule was that instead of absorbing the educated Africans, it considered them as troublesome, a nuisance, "denationalised" or "detrified" class. As Professor E. U. Essien-Udom noted, among British colonial administrators and officials of the Colonial Office the "educated natives", the "Coast barristers", were the most maligned group in Colonial West Africa and were generally thought of as "the curse of the West Coast".¹ British officials thought of the educated Africans as upstarts who exercised an unhealthy influence on the chiefs and people alike. Essien-Udom added that

the officials complained that the educated Africans were usurping the leadership of the chiefs and village headmen. They were irritated by the pretensions of the educated Africans to leadership of their communities. They hated the spirit of independence and self-reliance shown by this group, and their demand for the right to manage their own affairs. The officials believed that as a group the educated Africans were unprincipled, selfish, and unrepresentative of the "real native" - a variant of the "noble savage".... As a group the educated native had become the scape-goat of British Colonial West Africa.²

Naturally the educated Africans refused the officials' view of them and saw it as a deliberate attempt to divide them from their uneducated country fellows. As early as 1906, John Mensah Sarbah complained that

it has been fashionable to disparage the educated African, and no opportunity is missed by his unfriends to degrade, ridicule, or point the finger of scorn at him.³

Casely-Hayford had frequently protested against the "false, insidious policy" of keeping the educated and the uneducated African

¹ E. U. Essien-Udom's introduction of J. E. Casely-Hayford, The Truth About the West African Land Question, second edition, London 1971.

² Ibid.

³ J. M. Sarbah, Fanti National Constitution, London 1968 (first edition 1906).

apart. For example, in a speech in 1920 he maintained that

sometimes it is supposed that the educated African is a kind of impediment in the way of successful administration. I do not think that this view is held by all, but there are some who hold that view. Some even would like to see direct dealing with the untutored native, without the medium of his educated brother. That view is a wrong one. From the earliest times of barter, when the European wanted to speak with the black man, it was through the black man who could speak English with some intelligence. As the African advances in education and intelligence, naturally the higher grade of educated African becomes the leader of his people and we have educated men who have been chosen by the Government to assist them in their deliberations. The time will never be when it will be possible to dissociate the educated African from his uneducated brother. [Cheers] We made this quite deliberately, and we made it with the approval of our people. [Loud applause] 1

Similarly, J. W. De Graft Johnson objected to labelling the educated Africans as "denationalised" and considering them an obstacle to good government. In 1928 he stated that

the suspicion ... that the educated African is an obstacle to government or that he is denationalised and has lost touch with his illiterate brethren is quite unwarranted. 2

Besides objecting to Indirect Rule as a divisive system, the educated Africans protested that the careers opened to them under such a system were those of subordinates, and that the only outlet for their political ambitions was through the "Native Authorities". 3 Captain R. S. Rattray described how the educated Africans felt "the energy they have shown and the sacrifices which they have made in acquiring a European education do not find a sufficient outlet in any present schemes of government based on Indirect Rule". 4

¹ M. J. Sampson (collected), West African Leadership: Public Speeches of J. E. Casely-Hayford, London 1969, 62.

² J. W. De Graft Johnson, Towards Nationhood in West Africa, London 1971, (first edition 1928), 45.

³ For example, A. V. Murray, "Education under Indirect Rule", in Journal of the Royal African Society, vol. XXXIV, No. CXXXVI, July 1935, 227-268.

⁴ R. S. Rattray, "Present Tendencies of African Colonial Government", in Journal of the African Society, vol. XXXIII, No. CXXX, January 1934, 134-135.

Most of all, the educated Africans were objecting to Indirect Rule because of its ultimate aim. The colonial exponents of Indirect Rule envisioned the implementation of self-government through the chiefs. But the educated Africans held that self-government implied representative parliamentary institutions. Michael Crowder put the argument with regard to the educated elite of West Africa as thus:

They [the educated elite] were even more concerned at the way the British conceived eventual self-government not in terms of democratically elected representation in a central Parliament, but through delegation by the native authorities of representative, usually chiefs, to a central political organism. Indirect Rule seemed designed to exclude the educated elite from an effective national rule, and was therefore seen as an agency of reaction against the forces of modernisation which colonial exploitation¹ had stimulated.

In other words, the significance of the attacks on the "Native Authorities" by the educated Africans was not that they were directed against the chiefs as such but their attacks were motivated by their exclusion from a political power base.² On the whole the educated Africans were not opposed to chieftaincy but to the political, administrative, and judicial powers given to the chiefs under the Indirect Rule system.

Another reason why Africans objected to Indirect Rule was that they felt it was not, in its origin, designed for their benefit but was rather dictated by the necessity of the moment.³ Lugard himself admitted that the derisory resources of men and money would have made impossible any attempt to rule "directly" a vast and populous country like Nigeria.⁴ It is significant to note that Lugard first founded his

¹ M. Crowder, West Africa Under Colonial Rule, London 1970 (second impression), 213.

² For example, M. Crowder and O. Ikime (eds.), West African Chiefs: Their Changing Status Under Colonial Rule and Independence, Ife, 1970, XXVI (the introduction).

³ N. U. Akpan, Epitaph to Indirect Rule: A Discourse on Local Government in Africa, London 1956, 27.

⁴ Lugard, The Dual Mandate, 215.

system in Nigeria and it was only later that he and other administrators and scholars began to rationalise and to use a philosophical explanation to justify the system.¹

The criticism of Indirect Rule was not limited to its aims and motives but was extended to include its principles and methods. The critics of Indirect Rule argued that although it was based on the recognition of the indigenous African institutions, no genuine effort was made by the colonial Governments to investigate and understand the true nature of these institutions. They maintained that it was not only that the political officers lacked the scientific knowledge of anthropology which would enable them to investigate and understand the nature of African institutions, but they were not themselves interested in knowing about "primitive" institutions. When the political officer approached African society, he looked at once for the seat of executive power.² His principal concern was to find someone who could carry out orders.

This lack of understanding or knowledge of the real nature of the indigenous institutions was a serious defect of Indirect Rule. R. S. Rattray was right in pointing out that

our inability to reach very far below the surface in our examination of West African forms of government of old, and the mistakes which I think we are making at present, are largely due to our lack of understanding as to the real position of old of these so-called emirs, kings and paramount chiefs, and of the fundamental principles underlying the old African constitutions ...³

¹ M. Perham, "A Re-Statement of Indirect Rule", in Africa, vol.VII, No.3, July 1934.

² M. Perham, "Some Problems of Indirect Rule in Africa", in Journal of the Royal African Society, vol.XXXIV, April 1935.

³ R. S. Rattray, op.cit.

The critics of Indirect Rule count several mistakes which were committed as a result of the administrators' misunderstanding of African institutions. The most famous example was that of the "warrant chiefs" of East Nigeria. Under the false impression that East Nigeria communities, like some other communities elsewhere in Africa, were ruled by "kings" and "chiefs", the British appointed a chief to each village. ¹ Such a "chief" was given a "warrant" of recognition making him the sole executive head of his local community. But in fact, as G. I. Jones and A. E. Afigbo have recently explained, East Nigerian communities had no "chiefs", in so far as that term referred to persons holding executive powers. They only had ritual heads. ² In other words, the "warrant chiefs" had no traditional basis; they were completely British creations. It was not surprising that these "warrant chiefs", who owed their position entirely to the British, abused their power. It was even less surprising that the people protested against such a system which was alien to their institutions. The people's protest in fact culminated in the famous Aba or, as it is also known, the Women Riot of 1929, which resulted in the collapse of the "warrant chiefs" system. ³

Another example was that of the Northern Territories of the Gold Coast. R. S. Rattray showed that the people of the Northern Territories were originally ruled by priest-kings, Ten'dama, who relied upon moral and spiritual sanctions and were assisted by the elders or the heads of kindred groups. ⁴ The Northern Territories were then

¹ For example, A. E. Afigbo, "Revolution and Reaction in Eastern Nigeria, 1900-1929: The Background to the Women Riot of 1929", in Journal of the Historical Society of Nigeria, vol. III, no. 3, Dec. 1966, 539-558; G. I. Jones, "Chieftaincy in the Former Region of Nigeria", in M. Crowder and O. Ikime (eds.), West African Chiefs.

² Ibid.

³ Ibid.

⁴ R. S. Rattray, The Tribes of the Ashanti Hinterland, Oxford 1969 (first edition 1932), XIII-XIV.

invaded by small warrior bands who introduced the idea of territorial and secular leadership. The new warrior bands, however, ruled the country "indirectly" and interfered very little in the life and affairs of the indigenous population.¹ In the majority of cases, the Ten'dama continued to function exactly as before. When the British came, the Ten'dama, who had seen the fate of those who appeared before other officials of other colonial powers, kept aloof and remained in the background.²

Instead of the Ten'dama,

some wholly unimportant, and often worthless individual from the local standpoint was thrust forward to confront the strangers. Often he was a slave or descent of a slave, sometimes he was the village bastard, sometimes the only man in the village with a loin-cloth. Each and all of the above have actually figured from time to time among our European-made African aristocracy in these parts.³

These Government-made chiefs were merely figureheads while the Ten'dama who were in the background, remained for the people as their respected and true rulers. However, until Rattray published his book, The Tribes of the Ashanti Hinterland, in 1932, the British were unaware of this fact and made no effort to investigate what the position of the Ten'dama was. Similar mistakes were made in Uganda and Tanganyika.⁴

Furthermore, to Africans, especially educated Africans, Indirect Rule meant a policy of mere preservation of the past in order to prolong colonial rule. To them, the claim made by the protagonists of Indirect Rule that they were protecting African society from the "disintegrating" influence of western civilisation, was no more than a

¹Ibid.

²Ibid.

³Ibid.

⁴M. Perham, op.cit. For a general study of the types and characteristics of African political systems, see M. Fortes and E. E. Evans-Pritchard, African Political Systems, London 1940.

cover to keep African institutions intact and to hinder African development as long as possible.¹ They argued that African institutions were dynamic and not static; that there had always been considerable flexibility and variation in African life; that this Indirect Rule's craze for uniformity was fundamentally wrong and harmful.²

In any case, Africans refused to accept the paternalistic attitude of the administrators in telling them how to develop and adapt their institutions to social and economic changes. One African told Miss Perham:

We do not wish for any special treatment. We do not wish to be protected; we want to be allowed to make our own mistakes, and to work out our own salvation, as you did.³

Another criticism made by its African critics, and this time perhaps more by the rural people than by the educated, was that Indirect Rule was an authoritarian and oppressive system.

In 1934, R. S. Rattray warned that the "masses of the people" were likely to be estranged owing to "the undoubted tendency of Indirect Rule, as now applied, to build up centralised African autocracies disregarding the bases of former African constitutions and states, which were essentially decentralised and democratic".⁴ Indirect Rule, its critics complained, undermined the democratic nature of the indigenous African political systems.

During the pre-colonial period, the chiefs' source of authority was an indigenous African one. Under colonial rule, their right to

¹ N. U. Akpan, op.cit., 26.

² Z. K. Matthews, "An African View of Indirect Rule", in Journal of the Royal African Society, vol.XXVI, No.CXLV, October 1937, 433-437.

³ M. Perham, op.cit.

⁴ R. S. Rattray, "Present Tendencies of African Colonial Government", in Journal of the African Society, vol.XXXIII, No.CXXX, January 1934.

rule depended on the colonial authorities. But although the chiefs were no longer independent, the colonial regime had removed from them many of the limitations to their authority which emanated from below.¹ Thus, as Crowder and Ikime rightly assessed it, we have the paradox, under Indirect Rule, of chiefs losing their sovereignty but at the same time increasing their powers over their subjects because the traditional checks and balances to the exercise of their authority were neutralised by the same colonial authorities.² Under Indirect Rule, almost all the methods which were available to the people for the exercise of some check on their chiefs became "repugnant to natural justice".³

The claims of the chiefs to tribute and service with the irresistible force of the Government behind them became oppressive. The authoritarianism of the chiefs was assisted a step further by the fact that the colonial administration, for fear of undermining the "prestige" of the chiefs, tended to ignore or to refrain from correcting their errors.⁴

In Nigeria, when Donald Cameron came back as Governor in 1931, he was astonished that the "Native Authorities" were developing into autocratic and repressive feudal monarchies.⁵ The situation in Nigeria was also accurately described by W. R. Crocker who pointed out, in 1936, that one regrettable feature of Indirect Rule was

the manner in which the system worked to bolster up effete and corrupt chiefs at the expense of their people. Continuous and heavy exactions of both goods and money from the commoners, embezzlement of tax, arbitrary imprisonment, forced labour were the order in some chiefdoms.⁶

¹M. Crowder and O. Ikime, op.cit. (the introduction).

²Ibid.

³Z. K. Matthews, op.cit.

⁴Donald Cameron, op.cit.

⁵Ibid.

⁶W. R. Crocker, Nigeria: A Critique of British Colonial Administration, London 1936, 217.

The critics of Indirect Rule, particularly the educated Africans, also objected to the "supervisory" or "advisory" relationship between the political officer and the "Native Authority". As we explained, in theory the political officer was supposed to interfere as little as possible in the affairs of the "Native Authority". However, in practice the situation was that in so far as the political officer had to effect decisions made by the Central Government such as the building of a road, railway or telegraph line, etc., through his "Native Authority", he was an absolute ruler instructing his "Native Authority" to carry out his orders. ¹ It was for this reason that the chiefs were often described by the educated nationalists as "bureaucrats", "mouthpieces", "stooges", and "puppets" of the colonial regime. They were even branded as "collaborators" and "traitors". ²

Another aspect of Indirect Rule which was strongly attacked by Africans was that of direct taxation. This was objected to on several grounds:

1. It was taxation without representation. For example, Casely-Hayford argued that:

we claim, in common with the rest of mankind, that taxation without representation is a bad thing, and we are pledged, as all free peoples have had to do, that in our several communities the African shall have that common weapon for the protection and safe-guarding of his rights and interests, namely the franchise. It is desirable, we hold, that by our vote we shall determine by what laws we shall be governed and how the revenues - which we help to put together - shall be utilised. 3

¹ M. Crowder and O. Ikime, op.cit.

² For example, Casely-Hayford's speech at the Legislative Council in 1921, Leg.Co.Debates, 1920-21.

³ M. J. Sampson, West African Leadership, 68.

2. The primary reason for imposition of taxation was to provide a source of revenue for the colonial administration. It was a mere means of exploiting the people;
3. "Native Authorities" were in fact conceived by the colonial administration as essentially agents for maintenance of law and order rather than as instruments for raising the social and economic standards of their people. In other words, the people did not derive the corresponding benefits from paying tax;
4. The people were poor and thus could not pay the tax which was itself very excessive;
5. The people were paying enough money through indirect taxes.¹

Finally, although the working of the "Native Courts" was regarded on the whole as the most successful aspect of the Indirect Rule system, it still did not escape criticism. The administration of justice in these courts was described as inadequate and corrupt and their fines excessive.² The African lawyers were in particular hostile to these courts because the colonial administration banned them from appearing before them and they were thus denied a profitable source of income.

In general, these were the objections and criticisms raised against the Indirect Rule system. It is the purpose of this study to explore, examine and focus new light on the way the urban and rural Africans responded to the Indirect Rule system and expressed their objections

¹For such objections raised by Africans against direct taxation, see for example, The Gold Coast Times, 4.10.1932; The Gold Coast Spectator, 9.7.1938.

²For example, W. B. Harvey, Law and Social Change in Ghana, Princeton 1966.

and levelled their protests against it in one particular area, namely Southern Ghana, or what was formerly called the Gold Coast Colony, during the period 1925-1951. The year 1925 marked the creation of the Provincial Councils of the Paramount Chiefs, through which the colonial administration planned to rule the country. And the year 1951 witnessed the achievement of self-government.

It is argued that African reaction and response to the Indirect Rule system in Southern Ghana took different shapes and forms ranging from passive resistance to violent demonstrations. Hence it is our intention in this study, firstly, to describe and analyse the Africans' protest and opposition to specific Indirect Rule policies such as the Provincial Councils of the Paramount Chiefs, the Native Administration Ordinance (N.A.O.) of 1927, direct taxation, the stool treasuries system, etc. Secondly, it is our intention to examine and investigate the Africans' protest and attack against the agents of Indirect Rule, the chiefs. And finally, an attempt is made to assess the extent of the success of this African protest and resistance to the Indirect Rule system. This means attempting to unravel such questions as: What was the background or basis of the rise of the post-war nationalist movement? Why was self-government not achieved through the chiefs as the colonial administration planned? Why did chieftaincy survive in Ghana?

CHAPTER TWOTHE DEVELOPMENT OF INDIRECT RULE, 1830-1924

Using indirect rule in its wider sense as meaning a general policy of "utilizing, regulating and controlling" the indigenous institutions, it could be said that the British rule in the Gold Coast was "indirect" from the beginning. The tradition of British officials working with the chiefs dates largely from the time of George Maclean in the 1830s, even before there was any formal British rule. Up to 1821 the British Forts had been administered by the "Company of Merchants Trading to Africa", and their officers on the Coast had had no jurisdiction, either civil or criminal, nor any power of trial.¹ In 1821, the British Government took over from the Company but seven years later it decided to abandon the Forts and only under pressure from the merchants was it persuaded to retain them as nominal dependencies of Sierra Leone. The responsibilities of the Crown were transferred to a Committee of Merchants in London and the local administration was entrusted to a Council of Merchants at Cape Coast.² The members of the Council were also appointed justices of the peace within the limits of the Forts. The agreement between the British Government and the merchants made it very clear that the Council "will only

¹D. Kimble, A Political History of Ghana, Oxford, 1963, 193.

²P.R.O., C.O.96.268/27, despatch of 30.10.1828 from R. W. Hay to G. Barnes, R. Brown and M. Foster.

exercise authority and jurisdiction in the forts and roadsteads or harbours thereunto adjoining, as well as over the persons who reside there." ¹ In other words, the Council was to have no jurisdiction whatsoever over the people outside the two forts at Cape Coast and Accra.

Goerge Maclean assumed office in 1830 as the second President of the Council of Merchants. However, from the start he completely disregarded the agreement of 1828 and began to interfere in the internal politics of the states and to encroach on the powers of the chiefs.² During his period, a kind of "irregular jurisdiction" grew up, extending itself far beyond the limits of the Forts. He established a court of which he was judge, sitting usually with chiefs in Cape Coast Castle, and assumed the right to hear all capital cases.³ This court applied Akan law except where Maclean regarded it as inhuman. Apart from Cape Coast, there were three stations at which there were magistrates; Anomabu, Accra and Dixcove.⁴ In order to preserve law and order and suppress human sacrifices, he also employed members of the local militia as police.

Naturally Maclean's extension of his judicial control and his encroachment on the powers of the chiefs, did not go without a challenge

¹P.R.O., C.O.96.267/97, despatch of 14.11.1828 from R. W. Hay to Barnes, Brown and Foster.

²G. E. Metcalfe, Maclean of the Gold Coast: The Life and Times of George Maclean, 1801-1847, London, 1962.

³Ibid., 171.

⁴Ibid.

from the chiefs and their people. For example, King Joseph Aggrey of Cape Coast told Maclean:

We would wish to have nothing to do here with English laws. We like to have the English here, but not to make laws for us. The Country is ours, and we are the allies of England: but we do not want to be made its subjects. The forts belong to you ¹ but the Country belongs to us.

Again in 1834 when Maclean fined Kojo Tsibu, the Head Chief of Denkyera, £200 for human sacrifices, the latter petitioned the Colonial Office maintaining that he was not a British subject and therefore not amenable to the jurisdiction of the British authorities or British notions of laws. ²

A final example of the chiefs' protest against the authority of Maclean was the case of the King of Appolonia (Nzima), Kweku Aka. He persistently refused to allow Maclean to have any control over the affairs of his state. Maclean reacted by leading an expedition in 1835 against the King and Nzima towns were bombarded. ³

In 1843 the Crown took over from the merchants. Captain H. W. Hill was appointed Lieutenant-Governor and Maclean a Judicial Assessor. Maclean's duties as Judicial Assessor were to sit in court with the chiefs and try cases where Africans alone were concerned, in accordance with customary Akan law and the principles of British equity. ⁴

¹Quoted in G. E. Metcalfe, Great Britain and Ghana: Documents of Ghana History, 1807-1957, London, 1964, Document 132, 165-170.

²For example, B. Cruickshank, Eighteen Years on the Gold Coast of Africa, London, 1853, 185.

³Ibid. It must be remembered, however, that several of the states were not under Maclean's influence at all. Most of the Accra Plains were under Danish influence; and Elmina, Axim and other towns were under Dutch influence. See W.E.F. Ward, A History of the Gold Coast, London, 1948, 185.

⁴W.E.F. Ward, op.cit., 186.

When Hill arrived at Cape Coast, several of the chiefs came to pay their respects and to enquire whether rumours that domestic slavery was to be abolished were true or false. ¹ Having assured the chiefs that no interference with domestic slavery was contemplated, Hill considered it a good opportunity to establish an agreement to their being under the British jurisdiction. ² Accordingly Hill drew up the document which subsequently became known as the "Bond of 1844".

The Bond provided that:

- (1) the chiefs, in the southern areas where Maclean had exercised jurisdiction, formally acknowledged British power and jurisdiction for the protection of individuals and property;
- (2) human sacrifices and other "barbarous customs" such as panyarring were abolished;
- (3) murders, robberies and other crimes were to be tried by the Queen's judicial officers and local chiefs "moulding the customs of the Country to the general principles of British law. ³

The original document was signed by eight chiefs and during the same year twelve others joined.

The Bond did not grant the Crown any sovereignty or suzerainty, nor did the Africans give exclusive jurisdiction to the British in judicial matters. Under the Bond the chiefs gave the British only

¹P.R.O.,C.O.96.4, despatch No.788 of 6.3.1844 from Hill to Lord Stanley.

²Ibid.

³Ibid. The Bond was sent to the Colonial Office under the cover of despatch No.788 of 6.3.1844 from Hill to Lord Stanley. The Bond was reproduced by several scholars and writers, e.g. J. M. Sarbah, Fanti Customary Laws, London, 1968 (first edition 1897), 281-282; G. E. Metcalfe, Great Britain and Ghana, 196.

"limited criminal" jurisdiction which was to be exercised only with the concurrence of the chiefs. The Bond implied that only by consent of the chiefs and their people could the British acquire any further jurisdiction. The Bond was silent as to the Crown's right to collect customs, to administer civil justice, to legislate for the public health, to erect municipalities, to provide for education to construct roads, and to regulate the industrial and social economy of the country.¹ In short, the Bond did no more than acknowledge and legalise the jurisdiction which had grown under Maclean's influence; it did not introduce much that was new from the point of view of the signatories.

The importance of the Bond in the history of Ghana seemed, however, to have been, as Adu Boahen rightly noted, "grossly exaggerated".² Many of the Gold Coast nationalists saw it as the "Magna Carta" of Ghanaians and considered that it constituted the only legal basis for British rule in Ghana.³ Indeed, it was the date of this Bond that gave Ghana the date for Independence (6th March). But in fact, it is difficult to see how the Bond could in any way be regarded as the Magna Carta of Ghanaians:

¹A. Adu Boahen, "Politics in Ghana, 1800-1874", in J.F.A. Ajayi and M. Crowder (eds.), History of West Africa, Vol.2, London, 1974, 167-261.

²A. Adu Boahen, "Asante, Fante and the British, 1800-1880", in J.F.A. Ajayi and I. Espie (eds.), A Thousand Years of West Africa History, Ibadan, 1965, 341-358.

³For example, J. B. Danquah, "The Historical Significance of the Bond of 1844", in T.H.S.G., III, Part I, 1957.

It ended no despotism and conferred no rights on the Fante, on the contrary, it deprived the Fante chiefs of their sole right to exercise criminal jurisdiction and should therefore be regarded as the very opposite of a Magna Carta. 1

In any case, the Bond was a dead letter after 1847 and the exercise of British jurisdiction took a different course from that envisaged when it was drawn up and signed.

After the death of Maclean, the British encroached even more on the powers of the chiefs. The result was the strengthening and consolidation of British authority and the corresponding erosion of the authority and prestige of the chiefs. In 1850 - when the Gold Coast was separated from Sierra Leone and given her own Governor - J. Bannerman and B. Cruickshank (the latter at one time an Acting Governor) drew the attention of the Governor to the danger of this loss in authority of the chiefs. 2 They maintained that "it would be impossible to govern the immense population of the Gold Coast without the instrumentality of the chiefs", and for this purpose they suggested the appointment of a "legally constituted deliberative assembly" to be called "The Assembly of Native Chiefs" to frame laws with the assistance of the Judicial Assessor. 3 It was for this reason, and also to raise revenue, that "The Legislative Assembly of Native Chiefs upon the Gold Coast" which passed the famous Poll Tax in 1852 was convened. The 1852 Assembly never, however, reconvened and the chiefs' authority continued to be eroded.

¹A. Adu Boahen, "Politics in Ghana, 1800-1874", op.cit.

²P.R.O.,C.O.96.19, letter of 22.8.1850, Cape Coast, from J. Bannerman and B. Cruickshank to W. Winniett.

³Ibid.

In 1853 the Government passed the "Supreme Court Ordinance" which provided for the establishment of regular courts within the "Forts and Settlements" to deal with civil and criminal cases. The Ordinance also provided for appeal from decisions of the Judicial Assessor to the Governor. A further extension of British jurisdiction took place in 1856 when an Order in Council authorised the Supreme Court to hear cases arising in the "Protected Territories" "without the cooperation of any native chief or authority". The native tribunals were left to administer customary law but in practice their authority was weakened by the existence of the British courts.¹ British law and courts were in many cases replacing customary law and the courts of the chiefs.

Naturally the chiefs resented this growth of British power and jurisdiction. In 1864, for example, the chiefs submitted a memorandum entitled "Grievances of the Gold Coast Chiefs" in which they put forward the following complaints:

- (1) that they had been deprived of the practice of holding slaves and this had "greatly reduced their power and dignity as kings and chiefs, their influence destroyed and then rendered them helpless";
- (2) that they were for "very trifling cause" occasionally put into prison by the officials, which for them meant a "great disgrace".²

The next year, 1865, the British authority was resisted even more strongly and openly by King John Aggrey of Cape Coast. He objected to appeals against the decisions of his court being sent to the British courts, and even went on to question the whole basis of British authority. He described the British Law as "an extraneous growth"

¹D. Kimble, A Political History, 196.

²P.R.O., C.O.96.64, memorandum of 9.8.1864 entitled "Grievances of the Gold Coast Chiefs".

and informed Governor Richard Pine that "Cape Coast in the eye of the law is not British territory".¹ He explained to the Governor that,

The King's court is not of yesterday. From time immemorial it has existed, and even existed before Cape Coast Castle was erected, and the ground on which the Castle stands was originally taken from my ancestor at an annual rate.²

King Aggrey's aim was self-government and the preservation of the indigenous judicial rights. Significantly he worked in close cooperation with the educated elite who advised and wholeheartedly supported him.

Governor Pine refused to accept the argument of King Aggrey and informed him that he

could not permit irresponsible tribunals, exercising the powers, at all events, of imprisonment, that the demand of the King of Cape Coast, the only one in the Protectorate, who refused appeal, was in fact a severance from such protection rendering the British tribunals all but useless and depriving the inhabitants of the council aid and assistance which Great Britain accorded them.³

King Aggrey stood his ground and continued to defy the British authorities and became the spokesman of the widespread movement in Fanteland against the growth of British jurisdiction. Finally, in 1866, the Government reacted by deposing and deporting King Aggrey to Sierra Leone. He was not allowed to return to Cape Coast until 1869 and then only as a private citizen. He died in the same year.

The challenge to British authority continued, however, after King Aggrey's exile and death. This, as Agbodeka elaborately showed, was clear in Cape Coast, Anomabu, Abora, Gomoa, Agona and Wasswe.⁴

¹P.R.O.,C.O.96.67, letter of 16.3.1865 from King Aggrey to Pine, enclosure No.9 in despatch No.38, Cape Coast, of 7.4.1865 from Pine to E. Cardwell.

²Ibid.

³P.R.O.,C.O.96.67, despatch No.38, Cape Coast, of 7.4.1865 from Pine to Cardwell.

⁴F. Agbodeka, African Politics and British Policy in the Gold Coast, 1868-1900, London, 1971, 18-20.

This widespread movement in Fanteland against British authority even inspired similar protests among the chiefs and people of the Eastern Districts.¹ By and large at the end of the 1860s there was a growing dissatisfaction with the gradual extension of the British authority and jurisdiction.

This resistance to British authority reached its climax with the formation of the Fante Confederation between 1868 and 1873. Primarily, the Confederation movement was the culmination of years of resistance to the extension of British power and jurisdiction dating from the 1830s.² Several contributing factors helped in the formation of the movement. One important factor was the recommendations made on future British policy in West Africa by the famous Committee of the House of Commons in 1865. The often-quoted recommendation of the Committee was:

That all further extension of territory or assumption of Government or new treaties offering any protection to native tribes would be inexpedient and that the object of our policy should be to encourage in the natives the exercise of those qualities which may render it possible for us more and more to transfer to them the administration of all the Government, with a view to our ultimate withdrawal from all except, probably, Sierra Leone.

With regard to the Gold Coast in particular, the Committee added that they were of the opinion that:

¹Ibid., 21.

²For example, A. Adu Boahen, op.cit.; F. Agbodeka, "The Fanti Confederacy, 1865-1869", in T.H.S.G., Vol.VII, 1964, 82-123.

³Quoted in G. E. Metcalfe, Great Britain and Ghana, document 248, 311-312.

The Protectorate should only be retained while the chiefs may be as speedily as possible made to do without it. Nothing should be done to encourage them to lean on British help, or trust to British administration of their affairs, whether military or judicial. ¹

As a result of these recommendations, the Africans of the southern states of the Gold Coast took it that the British were about to abandon the Gold Coast and that in future they had to defend themselves against the Asante. Thus, the chiefs and the people began to organise themselves in preparation for the withdrawal of the British.

The chiefs themselves had an additional reason for dissatisfaction with the British authority. In the 1860s, as an economy measure, the British declined to pay the chiefs the stipends which had been paid regularly in the past. ² The chiefs therefore decided to withdraw from the British the privileges of jurisdiction which they had so illegally acquired.

The Confederation movement was, moreover, helped by the agreement reached by the British and the Dutch in 1867 to exchange some of their forts in order to divide the coast into Dutch and British sectors. ³ The chiefs and the people, particularly in the western and Fante states, opposed the transference of forts to the Dutch, who were the allies of the Asante. The desire to expel the Dutch helped in the establishment of the Confederation.

¹Ibid., document 247, 310-311. The Committee noted, inter alia, that the Judicial Assessor did not fulfil his role in assisting the chiefs in administering justice. He instead superseded their authority by decisions made according to his own judgement. The Committee recommended that the chiefs should be left to exercise their own jurisdiction, with only an appeal, when necessary, to the English Magistracy.

²F. Agbodeka, African Politics, 25.

³D. Coombs, The Gold Coast, Britain and the Netherlands, 1850-1874, London, 1963.

The aim of the Fante Confederation was to provide security and protection and internal self-government to the land, and to promote education and social improvements. To achieve this, the Confederation adopted a constitution and established a machinery of Government. The constitution provided for a king at the top, supported by councillors (chiefs, elders, etc.) and then by a National Assembly made up of representatives of the states.¹ The establishment of a machinery of government included the establishment of an army, a court and a system for the collection of taxes. The Fante Confederation also inspired a similar movement in the eastern states. The educated citizens of Accra, supported by the kings and chiefs there, formed in 1869 the "Accra Native Confederation" to protect their country against British encroachment.

An important feature of the Confederation movement was the close cooperation and collaboration between the chiefs and the educated elite. The most influential of the latter on the movement was James Africanus Horton. Christopher Fyfe has elaborately explained the influence of Horton's ideas on the movement.² Horton's ideas in his book, West African Countries and Peoples, were, as Fyfe correctly noted, closely followed by the sponsors of the Confederation.³ In this book,

¹F. Agbodeka, African Politics, 25.

²C. Fyfe, Africanus Horton, 1835-1883: West African Scientist and Patriot, 1972; G. Shepperson, "An Early African Graduate: James Africanus Beale Horton", in University of Edinburgh Gazette, No.32, January, 1962.

³C. Fyfe, op.cit., chapter V.

which he wrote in 1868, Horton proposed that the Gold Coast be grouped into two large states, each governed separately, corresponding roughly with the distinction of Fante and Ga. He suggested that in the west the various Fante kings were to be united under one head king.¹ This head king would be assisted by Councillors, i.e., lower kings and educated members. With regard to the states of the east, he suggested that an "educated gentleman" be selected as the President of the "Republic of Accra" and that he be assisted by counsellors chosen by the people.² These ideas were fulfilled by the formation of the Fante Confederation and the Accra Native Confederation. Horton saw the Fante Confederation as the agent which would guide the development of Fante society toward a modern state.³ He asked the Secretary of State to recognise the Confederation officially and even made a sketch of a formal constitution for the Confederation.⁴ Horton's ideas on education and economic development were also closely followed by the sponsors of the Confederation.

The British officials were positively hostile to the Fante Confederation. They considered it a "dangerous conspiracy",⁵ and arrested its leaders. They attributed its formation to the educated elite.

¹J. Africanus Horton, West African Countries and Peoples, Edinburgh, 1969 (first published 1868) with an introduction by G. Shepperson, 114.

²Ibid., 115.

³C. Fyfe, op.cit., 100.

⁴Ibid., 101.

⁵C. S. Salmon, C.S. and Acting Administrator, to Sir A. E. Kennedy, quoted in G. E. Metcalfe, Great Britain and Ghana, document 280, 338.

H. T. Ussher, the Administrator, was convinced that the educated elite were the real power behind the Confederation. He maintained that,

A small class of discontented and unprincipled natives, principally mulattos and semi-educated blacks (who appear to be an evil inseparable from all negro communities) is active in its endeavours to persuade the ignorant, impressionable and childlike Fantees, that the time has come to govern themselves, and to throw off our ¹ rule, retaining us as advisors only.

The British succeeded in fact in discouraging and eventually destroying the Confederation movement.

Although the Confederation movement was killed, the ideals it stood for such as self-government, education and economic development survived and continued to inspire future generations. The movement also had some important immediate results. Following the Confederation movement, there was "considerable heart searching" both in the Colonial Office and among the Gold Coast administrators, concerning the proper relationship between the chiefs and the Government. ² In 1871, for example, the Administrator-in-Chief at Freetown advocated giving stipends to the chiefs as the cheapest and most effective way of maintaining peace and keeping roads open for commerce. ³ He pointed out that the existing system of giving the chiefs presents or "dashes" was really expensive and not at all effective. ⁴

¹ P.R.O., C.O.96.94, "Memo on the Educated Natives", enclosed in despatch No.93 of 29.10.1872 from Pope-Hennessy to the Earl of Kimberley.

² D. Kimble, A Political History, 458.

³ P.R.O., C.O.96.89, despatch of 8.11.1871 from Kennedy to the Earl of Kimberley.

⁴ Ibid.

In the next year, 1872, Sir David Chalmers, the then Judicial Assessor, addressed a letter to the Administrator in which he submitted proposals to:

- (1) "utilize, regulate and control" the power of the chiefs;
- (2) utilise the gradation of authority which existed from the headman of the village through the chief up to the king of a large district as a foundation on which to build up a jurisdiction regulated by the Government. ¹

Chalmers advised that those chiefs who were "intelligent, humane, and were affected towards Governemnt" should be selected and that they should be required "to abstain from all excessive exactions and charges and to conform their conduct generally to the instructions which should be given to them from time to time". ² Apart from recognising the courts of such chiefs, he also proposed that the Government should give them stipends or salaries.

This letter by Chalmers was perhaps the first clearly worded recognition by a Government official of the need to base local rule on the chiefs. However, no action was taken to implement these proposals. It seems that during the 1870s and 1880s, the Government was primarily concerned with economic and internal developments rather than political matters.

By 1874, the British finally abandoned the policy of gradual withdrawal and by Letters Patent the Gold Coast forts and settlements were separated from the Government of Sierra Leone and were "erected into"

¹ P.R.O., C.O.96.697/6903/B, quoted in a memorandum entitled "History of Legislation in connection with Native Jurisdiction in the Gold Coast and suggested Amendments to the N.A.O. of 1927", by W. J. A. Jones, the S.N.A., enclosed in confidential despatch of 13.10.1931 from Slater to J. H. Thomas.

² Ibid.

a colony, without consulting the chiefs and their people.¹ The terms of the Order, as Lord Hailey rightly emphasised, reflected the "air of hesitation" which characterised the policy of the Government.² It avoided the formula of annexation; it made no specific mention of the Protectorate; and it did not define the areas to which the Order applied.³

This hesitant manner in which the Gold Coast was acquired encouraged the African nationalists, both the chiefs and the intelligentsia, to entertain their contention that the Gold Coast occupied a unique position in the British Empire in that it had never been conquered or ceded; its relations with Britain were those of friendship, mutual trust and commercial alliance.⁴ Sarbah substantiated this argument by quoting a statement made by Cruickshank, at one time the Acting Governor, in 1853. Cruickshank said,

Indeed we had no legal jurisdiction in the country whatever. It had never been conquered or purchased by us, or ceded to us. The chiefs, it is true, had, on several occasions, sworn allegiance to the Crown of Great Britain; but, by this act, they only meant the military service of vassals to a superior. Native laws and customs were never understood to be abrogated or affected by it.⁵

The African rulers in their dealing with the Europeans, thought of no allegiance as that word was understood by the English.

¹D. Kimble, A Political History, 302.

²Lord Hailey, Native Administration in the British African Territories, Part III, London, 1951, 197.

³Ibid.

⁴For example, J. E. Casely-Hayford, The Gold Coast Native Institutions, London, 1970 (first edition 1903) chapter IV.

⁵J. M. Sarbah, Fanti National Constitution, London, 1968 (first published 1906), 88.

Having put forward the foregoing contention, the African nationalists accordingly argued that the chiefs' rights of jurisdiction were inherent by virtue of the positions to which they had been elected by their people and denied that they were derived from and exercisable at the will of the Crown. This constitutional issue, as we shall see later, constituted the basis of the Africans' opposition to several peices of colonial legislation and became a serious obstacle to the Government when it attempted to introduce an orthodox or a Lugardian type of Indirect Rule. This was because, as we have explained in the previous chapter, under a Lugardian type of Indirect Rule, the judicial and executive powers of the chiefs must have a statutory basis, that is to say, they must be derived from or delegated by the Central Government.

The situation at the time of the creation of the Colony could be briefly summarised as thus: at the coastal towns the British ruled directly, closely supervising the chiefs where they did not supersede them altogether. In the interior, however, they had no choice, due to the shortage of administrative officers, but to work with the help of the chiefs, or rather the chiefs were left alone to run the day-to-day affairs of their states.¹ In short, the British Government had no clearly defined policy towards the chiefs.. Moreover the constant changes of Governors (which, in the words of Mary Kingsley, made the British policy in West Africa "a coma accompanied by fits") made it difficult for the Government to develop a stable relationship with the chiefs. Africanus Horton noted that between 1862 and 1867 there were

¹For example, R. L. Stone, "Colonial Administration and Rural Politics in South-Central Ghana, 1919-1951", a Ph.D. thesis, Cambridge University, 1974, chapter four.

seven Governors in the Gold Coast.¹ He concluded that

the British relations with the chiefs had been unstable; the rapid and successive change of governors leave no room for any fixed plan to be entered into for the good of the peace.²

Following the creation of the Colony, however, there was a debate on the role of the chiefs and their relationship with the Government. In 1877, Governor S. Freeling pointed out that, with regard to the relationship of the Government with the chiefs, a "well considered and comprehensive plan should now be decided upon and brought into operation".³ He suggested that to get roads constructed, which in his opinion was most necessary, at a comparatively small cost, it would be necessary to "strengthen the power of the Kings and chiefs or to speak perhaps more correctly to restore to them a portion of the authority over their people which various courses have gradually tended to diminish."⁴ For this purpose he proposed that the powers of the Kings and chiefs should be "clearly defined and then that they should be informed that they would be supported by Government in upholding this authority as long as it was not abused".⁵ He also proposed that the chiefs should be given stipends. Finally he suggested that the services of an officer with experience in "native affairs" be appointed solely for the purpose of travelling within the "Protectorate" and explaining to the chiefs the policy of the Government.⁶ Some of the Government officials did not quite agree, however, with the Governor's proposals, particularly that of giving stipends to the chiefs. Hence the Governor did not feel encouraged to implement his proposals.

¹J. Africanus Horton, op.cit., 220.

²Ibid.

³P.R.O., C.O.96.120, despatch No.79 of 13.3.1877 from S. Freeling to the Earl of Carnarvon.

⁴Ibid.

⁵Ibid.

⁶Ibid.

The next year, 1878, the Government went a step further by passing the Native Jurisdiction Ordinance (N.J.O.), "an Ordinance to facilitate and regulate the exercise in the Protected Territories of certain powers and jurisdiction by Native Authorities".¹ In other words, it must be emphasised, the Ordinance made no claim to confer any jurisdiction but only to facilitate and regulate it.

The Ordinance empowered the Head Chiefs (this term being substituted for Kings) to make by-laws for promoting "the peace, good order and welfare" of their people.² The Ordinance also empowered the Head Chiefs and chiefs to establish tribunals to try breaches of the by-laws and to exercise civil and criminal jurisdiction in a number of minor offences.³ Civil jurisdiction was limited to:

(a) all personal suits in which the subject matter did not exceed the value of £25; and

(b) all suits relating to the ownership or possession of lands.⁴

Criminal jurisdiction was limited to criminal charges in which a person was accused of having committed any offence which might from time to time be described by the Governor.⁵ Finally, the Ordinance authorised the Governor to suspend for a period or depose any chief who appeared to him "to have abused his power, or be unworthy, or incapable of exercising the same justly, or for other sufficient reason."⁶

¹ P.R.O., C.O. 96.124, the Ordinance was forwarded to the C.O. under cover of despatch No. 133, Accra, of 3.7.1878 from Lees to Hicks-Beach. It was passed on 24.6.1878.

² Clause 5 of the N.J.O., No. 8 of 1878, later No. 5 of 1883.

³ Clause 10 of the N.J.O.

⁴ Clause 11 of the N.J.O.

⁵ Clause 12 of the N.J.O.

⁶ Clause 29 of the N.J.O. This clause, as we shall later explain, was most objected to by the Africans. For instance, as late as 1928, J. W. De-Graft Johnson maintained that the Government's assumption of the right to suspend or dismiss a chief on "sufficient cause" was

The 1878 Ordinance was not, however, put into force till 1883, when it was repealed and re-enacted, with one important modification by which decisions of the native tribunals were made subject to appeal to the British courts.¹ There were several reasons for the delay in applying the Ordinance. In 1878, the Acting Governor stated that he could not proclaim the Ordinance as he had no officer of sufficient "native experience" who could explain to the chiefs of the interior states the purpose of the Ordinance.² H. T. Ussher, who assumed office in 1879 as Governor, had different reasons for not applying the Ordinance. He maintained that

practically, the interior Kings and chiefs have made little or no progress towards civilisation. Their courts are as venal, their decisions as unjust and they themselves as superstitious and ignorant as they were twenty, or for that matter, one hundred years ago. 3

As an alternative to proclaiming the Ordinance, he suggested the appointment of District Commissioners in the interior who could explain the Ordinance to the chiefs.⁴

"morally wrong in as much as the people and their chiefs had not given exclusive jurisdiction to the British Government at any time. Nor was the 'sufficient cause' as interpreted by the Government quite in keeping with the traditions of Native Polity". J. W. De-Graft Johnson, Towards Nationhood in West Africa, London, 1971 (first published 1928), 38.

¹D. Kimble, A Political History, 462.

²P.R.O., C.O.96.125, despatch No.230, Accra, of 18.11.1878 from Lees to Hicks-Beach.

³P.R.O., C.O.96.130, despatch of 21.1.1880 from Ussher to Hicks-Beach.

⁴Ibid.

It seemed, however, that the most important reason for the delay in applying the Ordinance was that, as Sarbah correctly noted, because of section 29 (which empowered the Governor to suspend or dismiss a chief) many of the chiefs, under pressure from their people, declined to come under the provisions of the Ordinance.¹ The people saw in section 29 an encroachment on their customary constitution which vested in them, and not the Crown, the right to dismiss or destool a chief. As a result of this the Ordinance was originally applied in 1883 to only six Head Chiefs and even twenty years later, only eighteen Head Chiefs came under its provisions.²

The Native Jurisdiction Ordinance was in any case a limited measure. It was mainly concerned with the working of the native tribunals and little effort was made to regulate the executive and fiscal powers of the chiefs. The Ordinance, for instance, omitted any reference to stipends or direct taxation. But even with regard to its primary objective, namely regulating the working of the native tribunals, the Ordinance had several defects and shortcomings. For example (and apparently fearing that the Africans would raise the question of the inherent right of jurisdiction of the chiefs), the Ordinance made no provisions for any procedure for the appointment of chiefs by the Government nor for any procedure for declaring which chiefs should be entitled to exercise jurisdiction.³ Again though provision was made for an appeal to administrative officers, the latter had no power of

¹J. M. Sarbah, op.cit. 134.

²Report of the Native Affairs Department, 1903.

³Lord Hailey, An African Survey, London, 1938, 468.

supervision or revision of the working of the native tribunals. As a result, and because the court fees and fines were appropriated by the members of the tribunal, tribunals were established in the smallest villages which the administrative officers were powerless to close. ¹

Another serious defect of the Native Jurisdiction Ordinance was that although it empowered the chiefs to make by-laws, it described no procedure to compel them to enforce such by-laws. In practice, the chiefs proved unwilling or unable to make by-laws which would meet with any opposition from their people, for if they attempted to enforce them this might result, and did result in some cases, in their destoolments. ²

Considering the shortcomings of the Native Jurisdiction Ordinance, it was not surprising that the "heart-searching" concerning the relationship of the chiefs with the Government continued even after that Ordinance came into operation. Early in April 1888, Governor W. B. Griffith pointed out that the power of the chiefs was decreasing and would continue to decrease with the spread of civilization and accordingly the appointment of administrative officers would become more and more necessary. ³ He concluded that "it will be well to preserve the influence of native law as far as possible but its extinction can, I think, only be regarded as a matter of time, which is tending rapidly to that end". ⁴

¹Ibid.

²R. L. Buell was of the opinion that the system of by-laws failed because "the Government has attempted to persuade the chiefs to enforce by this means obligations which are largely misunderstood and therefore unpopular with the natives, and which concern subjects that are really European in nature....", R. L. Buell, The Native Problem in Africa, London, 1965 (first edition 1928), 803.

³P.R.O.,C.O.96.191, conf.despatch of 7.4.1888 from W. B. Griffith to Lord Knutsford.

⁴Ibid.

A few days later, when two prisoners escaped from King Tackie's prison and asked for British protection, the Governor ordered an enquiry into the working of native prisons and native courts. W. B. Griffith, Jr., the Acting Queen's Advocate, who made the enquiry, was of the opinion that

the judges composing these courts [the native courts] are illiterate natives who have their decisions as much on fetish as on facts and who it is universally believed are prepared to give any decision provided that they receive a consideration beforehand ... the fees required by these native courts are excessive and both plaintiff and defendant are often heavily mulcted. ¹

He contended that the time had arrived when the question of native courts and native prisons possessing powers by virtue of custom should be grappled with and placed on a sound and definite basis. ² He proposed - by means of enacting an Ordinance - the gradual extinction of the chiefs' prisons, and in consequence of the native courts and, as an alternative, advocated that the country should in the future be ruled directly through District Commissioners. ³ Understandably, Governor Griffith concurred with these views.

The Acting Colonial Secretary, P. Hughes, disagreed with the Acting Queen's Advocate's proposal to allow the power of the chiefs to die out. He maintained: "How then are we to keep touch with the people of the interior. The Colony cannot afford the number of District Commissioners which would be required." ⁴ In conclusion,

¹ P.R.O., C.O.96.191, memorandum on Native Prisons, by W. B. Griffith, Jr., the Acting Queen's Advocate, enclosed in despatch No.116 of 10.4.1888 from Governor W. B. Griffith to Lord Knutsford.

² Ibid.

³ Ibid.

⁴ P.R.O., C.O.96.191, letter of 22.1.1888 from P. Hughes, Acting C.S. to Governor W. B. Griffith, enclosure 4 in despatch No.116 of 10.4.1888 from Governor W. B. Griffith to Lord Knutsford.

he recommended that native prisons should be supervised as far as practicable, and that the chiefs should be warned that if abuses were detected their prisons would be closed.¹ He hoped that "the mere fact of the knowledge that the Government has power by law to close their prisons will have good effect".² In the end, what was intended as compromise legislation between the views of the Acting Queen's Advocate and the Acting Colonial Secretary was passed; the "Native Prisons Ordinance of 1888" empowered the Governor to regulate and, if necessary, to close the prisons of the chiefs and it prohibited imprisonment in them for longer than one month.³

By the early 1890s, the Government became convinced that the failure of the Native Jurisdiction Ordinance was due mainly to the fact that it did not provide the Government with substantial power of control over the chiefs and their tribunals. As a result, the Government enacted in 1894 a bill amending the Native Jurisdiction Ordinance and providing that every native tribunal must be recognised by the Governor as a condition of exercising jurisdiction and that no native tribunal or chief besides those recognised by the Governor could exercise jurisdiction.⁴ A Commission appointed in the same year under the chairmanship of the Chief Justice, Sir. J. F. Hutchinson, to enquire into the constitution, jurisdiction and procedure of native

¹Ibid.

²Ibid.

³D. Kimble, A Political History, 646.

⁴P.R.O., C.O. 96.697/6903/B, op.cit.

tribunals, agreed with the amendments made by the 1894 bill.¹ However, the new Governor, Sir William Maxwell, who assumed office in 1895, withdrew the bill as he thought that it dealt too exclusively with native tribunals and not sufficiently with the powers, duties and responsibilities of chiefs.² He contended that it should be laid down by law that the elections of chiefs by their people should require the sanction of the Government before becoming operative.³ It is interesting to note that this latter view was not shared by Mr. Vroom, a citizen of Elmina and an assistant of the Secretary for Native Affairs at the time. Vroom argued that the Governor should not have the power to withhold confirmation of an election if satisfied that it had been carried out in accordance with customary law.⁴

In 1896, Sir William Maxwell drafted a new bill which provided for the recognition and appointment of chiefs and for rules to be made regulating: (a) the classes of chiefs and the assignment to each class of particular powers; (b) the payment of stipends to the chiefs of the several classes; (c) the delineation of districts within which chiefs were to exercise power; and (d) the election, appointment, duties, supervision, suspension and dismissal of the chiefs.⁵ By and large, the bill gave the Government considerable control over the chiefs, a measure to which the chiefs and their people were opposed. The bill coincided, however, with the African's strong agitation against the Lands Bill of 1897 and as a result of this, the Government "considered it wise" to drop it.

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

⁵P.R.O., C.O. 96.272, Governor's despatch No. 131 of 15.4.1896.

The question of the land had in fact been a cause of great tension and misunderstanding between the people and the Government. In the Gold Coast there were three types of land: stool, family, and private land, all of which had owners.¹ It was true that long term leases occurred but this did not involve a transfer of ownership. By the 1880s, however, the Government was anxious to secure control over the land so as to be able to exploit its wealth in the form of timber, minerals, etc.² The reasons given by the Government were of course different, namely, to protect land owners from unscrupulous speculators, and to check ruthless exploitation of minerals, forests, etc. In 1894, the Government enacted a bill "to vest waste lands, forest lands, and minerals in the Queen".³ The bill also provided that future grants of land, minerals, timber, etc., were to be made only with the concurrence of the Governor. The bill implied that there was "Crown land" on the Gold Coast and it was this idea to which the people strongly objected.⁴ They argued, and rightly too, that there was no such thing as "waste" lands in the Gold Coast. As a result of the Africans' opposition to the bill, the Government decided not to proceed with it.

¹ For example, J. E. Casely-Hayford, The Truth About the West African Land Question, London, 1971 (first edition 1913).

² F. Agbodeka, African Politics, 138.

³ D. Kimble, A Political History, 334-338.

⁴ Several petitions were made against the Bill, e.g., (1) the petition of Himan, dated 29.3.1895; (2) the petition of Cape Coast, dated 9.4.1895; (3) the petition of Elmina, dated 29.4.1895. These petitions were sent to the C.O. under the cover of despatch No.187, Accra, of 9.5.1895 from Maxwell to Rippon, P.R.O., C.O.96.257.

The Governemnt tried again in 1897. The Lands Bill of that year, although making no claim to land ownership, held that what might properly be called "public land" had to be administered by the Government. ¹ It provided that the Government could declare that any piece of land had no owner, and then authorise its occupation. The bill also provided that Africans could make no concessions to Europeans without the consent of the Governor. This bill was met with even stronger opposition from the Africans. They objected to the Government's claim of exercising paramount power in the country. This, they argued, belonged to the chiefs and their people. The protest against the bill culminated in the formation of the Gold Coast Aborigines' Rights Protection Society (A.R.P.S.), an alliance of the chiefs and the intelligentsia. The Society was formed with the immediate objective of organising the protest against the 1897 bill. For this purpose the Society convened meetings, wrote petitions and finally in 1898 sent a delegation to London. The delegation succeeded in its mission. The Secretary of State, Joseph Chamberlain, agreed that customary law should apply with regard to the devolution of land. ² The Gold Coast Government contented itself with passing in 1900 the Concessions Ordinance which provided only that proposed concessions were to be reviewed by the Supreme Court. The A.R.P.S., building on its successes of 1898, widened its objectives and became the most important nationalist movement and means of communication between the Government and the chiefs and their people, until it was superseded by the Provincial Councils.

¹D. Kimble, A Political History, 340.

²Ibid., 354.



Matthew Nathan, who assumed office in 1900, aimed at strengthening the authority of the chiefs "by whom a very large part of the colony is necessarily governed" and encouraged them to make by-laws.¹ In particular, he supported the dignity and prestige of the Head Chiefs; "recognition is given to their position; communications to their subordinates are sent through them ..." ² In 1902, he created the Department of Native Affairs with the intention "to secure greater continuity in the administration of Native Affairs, and to collect more complete records with regard to them than has previously been possible". ³

Two years later, in 1904, Nathan passed the Chiefs Ordinance which empowered the Governor to confirm the election and installation of a chief.⁴ This provision, however, as Lord Hailey later noted, did not enable the Government to maintain that a chief could exercise no legal powers till formally recognised as a "Native Authority". ⁵ In other words, under the Ordinance application for confirmation was permissive and failure to apply for, or obtain, confirmation did not prevent a chief from exercising jurisdiction. Nevertheless, the Ordinance, even on a limited scale, aimed at giving the Government more control over the chiefs. Naturally the Africans opposed it. The two African members on the Legislative Council, J. M. Sarbah and J. P. Brown, came out strongly against it. The latter, who was also the President of the A.R.P.S., denounced it as unwarranted interference with the right of the people to choose and depose a chief. ⁶ The Gold Coast Leader called it "the most iniquitous, insidious and interfering piece of legislation nicely worded that could be devised". ⁷

¹Report of the Native Affairs Department, 1903.

²Ibid.

³Ibid.

⁴Report of the Native Affairs Department, 1904.

⁵Lord Hailey, Native Administration in the British African Territories, Part III, 202.

It is interesting to remark here that perhaps one reason why the Government during Nathan's term of office (1900-1904) began to concern itself in a clear and practical manner, if only on a very limited scale, with strengthening the authority of the chiefs, was due to the writings of Mary Kingsley. Mary Kingsley had argued and explained in her Travels in West Africa, published in 1897, and West African Studies, published in 1899, that there was reason and coherent rationale in African indigenous institutions. Her ideas seemed to have strong impact on the European officials' outlook towards African institutions. In introducing the third edition of her Travels in West Africa, J. E. Flint wrote:

Mary Kingsley's insistence on the importance of traditional values and the need for their preservation was at the time extremely important. She did more than any other writer to produce in Europe a willingness to try to understand African behaviour, and it was from her views that the system of indirect rule, directed towards preventing a wholesale break-up of traditional society, gained strength. 1

Significantly Mary Kingsley was much attached to Nathan. She "admired and trusted" him and wrote him letters when he was in Sierra Leone service, containing, among other things, her ideas on the hut-tax. 2

⁶ Quoted in A. P. Haydon, "The Good Public Servant of the State: Sir Matthew Nathan as Governor of the Gold Coast, 1900-1904", in T.H.S.G., Vol. XI, 1970, 105-121.

⁷ Ibid.

¹ Mary Kingsley, Travels in West Africa, London, 1965, with an introduction by J. E. Flint, XVII-XVIII.

² For such letters, see S. Gwynn, The Life of Mary Kingsley, London, 1932, 216-221 and 225-229.

During the same year in which the Chiefs Ordinance was passed the Chief Justice, W. B. Griffith, and the Attorney-General, W. Osborne, submitted memoranda on the policy to be followed with regard to the powers and jurisdiction of the chiefs. Their views were diametrically opposed. Whereas the former objected to the extension of the scope of the Native Jurisdiction Ordinance and advocated that such improvements in it as were considered necessary could be effected by means of regulations; the latter pressed for the introduction of a new Ordinance to be of general application throughout the Colony. ¹ The new Governor, Sir John P. Rodger, supported the views of the Chief Justice in order "to avoid endless discussion and interminable delay" but the Secretary of State directed that a new Ordinance should be introduced. ² As a result, a bill was introduced in 1907 with the aim of replacing the Native Jurisdiction Ordinance and defining more clearly the powers and duties of the chiefs. It provided for the first time for executive control by the Government over the decisions of the chiefs. Among the important provisions of the bill were the following:

- (1) the Governor was empowered to extend, remove, or curtail any part of jurisdiction, civil or criminal, of a native tribunal;
- (2) the Governor was empowered to suspend, or to depose or dismiss any chief who should appear to him to have abused his powers, etc.;
- (3) the Governor was empowered to remit or reduce any sentence of a native tribunal;
- (4) the registrars of the native tribunals were to be appointed by the Governor and be paid out of the Government funds. ³

¹ P.R.O., C.O. 96.697/6903/B, op.cit.

² Ibid.

³ Ibid.

The A.R.P.S. strongly objected to the measure. Casely-Hayford adduced in opposition to the bill the argument that since the rights of jurisdiction were inherent in the chiefs, the Governor was not competent to withdraw or to even vary them. ¹ Hayford was joined in his objection to the bill - though for different reasons - by some of the Government officials. The Chief Justice, Griffith, objected to the extension of "native jurisdiction" to towns such as Accra where the the Supreme Court was established. ² The Secretary for Native Affairs, F. G. Crowther, ³ objected to the bill on the ground that the chiefs as a whole were incapable of exercising justly the judicial powers or of performing adequately the executive duties which the bill conferred and imposed upon them. ⁴ The Colonial Secretary, Bryan, also regarded any scheme for ruling the country through the chiefs as impracticable or at least premature. ⁵ As a result of this opposition from both the A.R.P.S. and three of his important officials, Governor Rodger, himself an unwilling supporter of the measure, convinced the Secretary of State that the bill should be withdrawn.

¹Ibid.

²Ibid.

³F. G. Crowther: Appointed draughtsman at the P.W.D., the Gold Coast, in 1898; Inspector of Schools, 1901; Travelling Commissioner, 1902; Acting Director of Education, 1903; D.C., 1904; Acting S.N.A., 1906; S.N.A., 1909. C.O. List, 1917.

⁴P.R.O., C.O. 96.697/6903/B, op.cit.

⁵Ibid.

Although giving up the idea of introducing a new Ordinance, in 1910 Sir John P. Rodger introduced and passed a bill amending the Native Jurisdiction Ordinance. By this bill, the provisions of the Native Jurisdiction Ordinance were applied to all the states of the Colony, and a greater degree of systemisation in the conduct of the native tribunals was ensured.¹ The Chief Justice, Griffith, who, as we have seen, was opposed to any proposal to extend the sphere of "native jurisdiction", opposed the measure. The two African members on the Legislative Council, Sarbah and T. Hutton-Mills, also objected to several points in the bill. For instance, Sarbah suggested that the suspension and dismissal of chiefs should be by a resolution of the Legislative Council and not by an order of the Governor.² In fact, because of objections raised by Hutton-Mills and Sarbah, the Government made a compromise by consenting to repeal section 16 of the Native Jurisdiction Ordinance which empowered the Governor to extend, remove, or curtail any part of the jurisdiction of a native tribunal, and thus encouraged them in their contention that the jurisdiction of chiefs was inherent.³ The proceedings of the debate were not immediately made available and Sarbah was unjustifiably criticised to the extent that stones were thrown at his house for supporting the measure.⁴ Unfortunately, he died a few months later, and was consequently unable to rebut his critics.

¹ Report on the Native Affairs Department, 1910.

² Gold Coast Government Gazette, 1910.

³ P.R.O., C.O.96.697/6903/B., op.cit.

⁴ D. Kimble, A Political History, 469.

The 1910 amendment did not, however, secure the satisfactory working of the Native Jurisdiction Ordinance. One difficulty was that, as we have explained, although the Ordinance had empowered the chiefs to make by-laws, it did not empower the Government to compel them to make or enforce such by-laws. In practice, the chiefs made by-laws only on matters which interested them, but the Government wanted them to make and enforce by-laws on matters which it thought necessary. For example, almost since the passing of the Native Jurisdiction Ordinance, the Government had been urging the chiefs to pass by-laws for forest preservation, yet none were in fact made. So in 1911 the Government decided to take the measure in its hands and passed a Forest Law authorising the establishment of forest reserves.¹ The A.R.P.S. opposed the measure on the ground that the Government had no right to dictate to chiefs how they were to use or refrain from using their lands. The Society, as in 1898, sent a delegation to London. In view of the objections raised against the Ordinance, the Government decided not to apply it. The chiefs of course continued to follow their former policy of not making by-laws for forest preservations. In fact it was not until 1926 that the Government introduced and passed (in spite of the opposition of the African members on the Legislative Council) a forestry bill authorising it to establish reserves, on the understanding that these reserves should continue to be regarded as stool property and to be administered under stool by-laws.²

Another example of the chiefs' reluctance to enact by-laws with regard to issues which were unpopular among their people was that of

¹For example, R. L. Buell, op.cit., 802.

²Leg.Co.Debates, 1926.

the cocoa pods and cocoa diseases. Although the Government had continuously urged the chiefs to enact by-laws providing for the destruction of cocoa pods and for reporting of diseases, the chiefs refused to enact such by-laws or even when enacted them, they refrained from enforcing them. ¹ As a result, the Government finally acted by passing in 1923 (again in spite of the opposition of the African members on the Legislative Council) the Pest Ordinance which dealt with the question of cocoa pods and cocoa diseases. ²

Governor Hugh Clifford, who assumed office in 1912, was sympathetic to the chiefs (though, like Nathan and Rodger before him, in a very vague manner), and was keen to strengthen their authority. In 1916, for instance, he stated that,

The effective administration of this Colony, so far as the bulk of the population is concerned, can only be carried on by us through the agency of the native system of tribal government.... The immediate welfare of the natives of the Gold Coast and Ashanti, I am convinced, depends upon the judicious and sympathetic handling of native affairs, and upon establishing more and more close and confidential relations between the tribal authorities and the European administration. ³

Addressing the Legislative Council a few months later, he asserted that,

It is fully recognised by Government that the system of tribal administration, which the genius of their ancestors has evolved in the course of ages, is that best suited to the circumstances of the bulk of the native population of this Colony and ... every effort is made to support the native constitutions and to abide by native custom and procedure in all matters that affect the internal politics of the various tribes. ⁴

¹Leg.Co.Debates, 1923.

²Ibid.

³P.R.O.,C.O.96.567/29227, conf.despatch of 26.5.1916 from Clifford to A. Bonar Law.

⁴Leg.Co.Debates, 1916-17.

Although Clifford was clearly sympathetic and convinced that there was rationality in the indigenous institutions, he was, like his predecessors, primarily concerned with regulating the work of the native tribunals. Little effort, if any, was made by him to regulate the executive and fiscal functions of the chiefs. These had to wait for his successor. Initially, Clifford's idea of reforming the working of the native tribunals was to repeal the Native Jurisdiction Ordinance and replace it by an entirely recast measure.¹ In 1914 he met the chiefs and discussed this question with them. The next year he appointed a committee to consider the working of the Native Jurisdiction Ordinance. On the basis of the recommendations made by this committee, an Ordinance was drafted during the same year.

The most important provision of this Ordinance was that only the "principal chiefs" who had been formally confirmed in their appointment by the Governor should exercise jurisdiction, and it defined a Head Chief as "a person elected and installed in accordance with native custom and confirmed by the Governor".² This differed considerably from the provisions of the 1904 Chiefs Ordinance under which confirmation by the Governor was permissive and left to the discretion of the individual chief to apply for or not apply for as he pleased. The draft Ordinance of 1915 retained the power of the Governor to depose a chief. The draft Ordinance also restored the power of the Governor (which had been repealed by the 1910 amendment) to extend, remove or curtail the jurisdiction of any native tribunal.

¹ P.R.O., C.O. 96.543/13456, conf. despatch (A) of 24.3.1914 from Clifford to Lewis Harcourt.

² P.R.O., C.O. 96.697/6903/B, op.cit.

Naturally, the provisions of the draft Ordinance, particularly that to make confirmation by the Governor a condition precedent to the exercise of jurisdiction, were strongly opposed by both the chiefs and the intelligentsia.¹ As a result of this, Clifford decided not to introduce his 1915 draft Ordinance. Instead, in 1916, he circulated a draft bill to amend the Native Jurisdiction Ordinance to all the Head Chiefs for their consideration and criticism.² This bill did not insist that a chief should be confirmed by the Governor before he could exercise any jurisdiction. In fact, Clifford agreed with the African point of view when in 1917 he maintained "that by insisting upon the confirmation of any election by the Governor before the chief chosen is permitted to preside over a tribunal, we are in fact, making a serious encroachment upon native rights".³

Some of the Governor's advisers, particularly the Secretary for Native Affairs, F. G. Crowther, were not, however, in agreement with the proposal to abandon confirmation by the Governor as an essential preliminary to the exercise of jurisdiction by the chiefs. These officials or advisers even succeeded in winning Clifford to their side, for in 1918 he decided not to proceed with the amending bill which he had circulated to the Head Chiefs in 1916. Instead, Clifford drafted a new Native Jurisdiction Bill on the lines of his draft Ordinance of 1915.⁴ In forwarding the new bill to the Colonial Office,

¹ Ibid.

² Leg.Co.Debates, 1916-17.

³ Quoted in P.R.O., C.O.96.697/6903/B., op.cit.

⁴ Report of the Native Affairs Department, 1919.

Clifford maintained, contrary to his opinion in 1917, that

It is provided in the Bill that no Head Chief or Chief shall exercise jurisdiction under this Bill unless he has been duly confirmed by the Governor in the post to which his people have elected him. This, it should be understood, does not interfere with the right of the people to elect any person whom they may chose to fill the post of Head Chief or Chief: but the Government reserves to itself the right in each instance to determine whether judicial power under this Bill shall or shall not be entrusted to the Head Chief or Chief so elected ... I think that it is important it should be recognised that a Head Chief or Chief, in his judicial capacity, is a person upon whom magisterial powers have been conferred by Government, and that until he has been confirmed, such powers are not legally exercisable by him. ¹

This bill, which was introduced in February 1919, was strongly objected to by the A.R.P.S. The Society raised once more the old issue of the inherent right of jurisdiction of the chiefs. ² As a result of this and because his term of office was drawing to an end, Clifford decided to postpone the second reading of the bill until the arrival of his successor.

If he was unsuccessful in his effort to reform the "native" justice system, Clifford was more successful in strengthening the position of the Head Chiefs on the Legislative Council. On his arrival he found a Legislative Council consisting of nine nominated members - five officials, including the Governor as President, and four unofficials consisting of two Africans and two Europeans. Of the Africans, one

¹Quoted in P.R.O., C.O. 96.697/6903/B., op.cit.

²Leg.Co.Debates, 1919.

represented the educated elite, and one a Head Chief.¹ By contrast, Clifford's enlarged 1916 Legislative Council consisted of twenty-one nominated members - twelve official and nine unofficial. The unofficial members consisted of three Europeans, three Head Chiefs and three of the educated elite. The first three Head Chiefs appointed to the new Legislative Council of 1916 were the Omanhene of Akim Abuakwa, the Omanhene of Anomabu and the Fia of Awunaba.² At the time, the educated elite did not object to the Head Chiefs' sitting and speaking at the Legislative Council. However when in 1925 the representation of the Head Chiefs on the Legislative Council was increased, the educated elite - as we shall explain in detail in the next chapter - argued that under the customary constitution the Head Chiefs were not allowed to speak at the Legislative Council.

¹This was Sir Emmanuel Mate Kole, the Konor of Many Krobo, who in 1911 became the first Head Chief to be nominated to the Legislative Council and except for a break of five years from 1916 to 1921 he served on the Legislative Council until 1930, when he decided to retire in favour of a younger man.

Sir Emmanuel Mate Kole was born in 1860 and educated at Basel Mission School. Between 1880 and 1891 he worked as a school-master. In 1892 he was enstooled as the Konor of Many Krobo, a position he retained until his death in 1939. In his speeches at the Legislative Council he showed particular interest in matters concerning farming and agricultural pursuits. Leg.Co.Debates, 1939; G.N.A., Accra, ADM 11/1420, remarks by the S.N.A.; P.R.O., C.O.96.761/31376, despatch of 16.2.1939 from Arnold Hodson to M. MacDonald.

²Leg.Co.Debates, 1916-17.

The end of Clifford's tenure as Governor witnessed the creation of the N.C.B.W.A., the most important political development in West Africa in the post-war era. The story of the Congress has been adequately told by several scholars such as David Kimble, La Ray E. Denzer, and J. Ayo Langley.¹ Here we shall be concerned with discussing briefly the relationship between the Head Chiefs and the intelligentsia and we shall try to explain why their practice of close cooperation which went as far back as the days of the Fante Confederation had now, after the war, suffered a serious setback. The origins of the disagreement or the cleavage between the two groups began as early as 1919, even before the formal creation of the Congress, when the members of the Congress sent important resolutions to the Governor without consulting the Head Chiefs.² Ofori Atta, who was now emerging as the leader of the chiefs, reminded them that if they expected any support from the chiefs, they must observe traditional protocol and inform the chiefs of their activities. The chiefs resented the action of the intelligentsia in acting independently and viewed this move as one of undermining their basis of authority. Ofori Atta put the argument of the chiefs as follows:

¹ D. Kimble, A Political History, Chapter X; La Ray E. Denzer, "The National Congress of British West Africa; Gold Coast Section", M.A. Thesis, University of Ghana, 1965; J. A. Langley, Pan-Africanism and Nationalism in West Africa, 1900-1945, Oxford, 1973.

² D. Kimble, A Political History, 379.

There will be nothing which would bring about more rapidly the destruction of all that makes the country what it is than the recognition of those of our people who are educated as a community by themselves capable of doing things independently of the chiefs and their uneducated people. 1

The intelligentsia, for their part, because of their education and wealth, felt that the time had come when they must establish their position as the natural leaders of the country and that they must be heard by the Government. In a letter to the Governor, the members of the committee of the Congress made it clear that,

In the opinion of the committee, the educated and enlightened community of the Gold Coast, in presenting any prayer for the redress of grievances, for needed reforms, as subjects and citizens of the British Empire, do not first require the mandate of all the chiefs; and we are to submit that they, the educated classes themselves, form a substantial and influential and integral part of the people of the Gold Coast. 2

And to demonstrate their independence, the members of the Congress sent a delegation to London without notifying the chiefs or even the Governor.

As a result of this move, Ofori Atta became more hostile to the Congress movement. He contacted many fellow Head Chiefs, particularly in the Eastern Province, and pointed out to them that their rights and privileges were in danger. He also received "on behalf of the Central and Western Provinces a mandate from the Executive Council of the A.R.P.S. to oppose the Congress movement". 3 Supported by this mandate, Ofori Atta argued that the Congress did not represent the chiefs and their people. In return, Casely-Hayford, the leading politician and theorist of the Congress, launched his attack on Atta. He described Ofori Atta's attitude towards the Congress as inconsistent, contradictory and even treacherous. 4 At the same time, Hayford succeeded

¹Leg.Co.Debates, 1920-21.

²Sessional Paper No.VII, 1919-1920, correspondence relating to the N.C.B.W.A.

³Quoted in J. A. Langley, op.cit., 170.

⁴Leg.Co.Debates, 1920-21.

in 1920 and 1921 in winning several of the Head Chiefs -notable among them was the Ga Mantse - to the Congress.¹ Thus, the split between the two groups was not absolute.

Unfortunately, as La Ray Denzer pointed out, the Congress movement collided with opposition forces resulting from changing British theories of colonial government.² The policy of Indirect Rule, as established by Lord Lugard in Northern Nigeria, was gradually becoming the new accepted trend in British colonial policy. In the Gold Coast, Guggisberg had just started the move towards a Lugardian type of Indirect Rule. He clearly and positively favoured strengthening and ruling through the chiefs. Consequently, he encouraged Ofori Atta in his stand against the Congress movement and agreed with him that the intelligentsia should limit their political activities within the framework of the indigenous institutions. He maintained that "in this country there are such things as chiefs, elected by the people, and it is not in my opinion a fair thing for the people of the stools to be approached in any other way than through the chief and his councillors".³ He seemed to have deliberately wanted to widen the split between the Head Chiefs and the intelligentsia.

Apart from giving his support to the chiefs in their stand against the intelligentsia, Guggisberg was concerned with securing, through

¹J. A. Langley, op.cit., 170-175.

²La Ray Denzer, op.cit.

³Leg.Co.Debates, 1920-21.

legislation, the power of the chiefs. As we have already seen, Clifford decided not to proceed with the second reading of the 1919 bill amending the Native Jurisdiction Ordinance and so it was left to Guggisberg. Before proceeding with the final stages of the bill, Guggisberg decided to meet the unofficial members of the Legislative Council in an informal conference.¹ This conference took place on the 24th February, 1920.

Meanwhile Guggisberg received a petition from the "chiefs, sub-chiefs, elders, councillors and prominent citizens of the Eastern Province" protesting against the bill.² The petitioners were strongly of the opinion that the bill tended to "subvert the native constitutions" and that it was "highly detrimental and predudicial to the welfare and interests of the native inhabitants of the Gold Coast".³ They objected in particular to the clauses which empowered the Governor to confirm the election and instalation of a chief, that which empowered the Governor to extend, remove or curtail any part of jurisdiction of a native tribunal, and that which proposed to create the Court of the Provincial Commissioner as the final court of Appeal in suits relating to land.⁴

¹ P.R.O., C.O. 96.614/38098, despatch No. 596 of 7.7.1920 from the Acting Governor to Viscount Milner.

² P.R.O., C.O., 96.614/38098, "Petition by Chiefs, sub-chiefs, Elders, Councillors and Paramount citizens resident in the Eastern Province", enclosure No. 1 in despatch No. 596 of 7.7.1920 from the Acting Governor to Viscount Milner.

³ Ibid.

⁴ Ibid.

As a result of his conference with the African members of the Legislative Council and the objections raised by Africans in the aforementioned petition, Guggisberg decided to amend some of the provisions of the 1919 bill. The result was a new bill which was introduced into the Legislative Council in 1922. This bill, like that of 1919, attempted to distinguish between "Head Chiefs" and "Chiefs" and to define their jurisdiction, and it also made the Provincial Commissioner's decision final on appeal in land cases. ¹ Additionally, the bill empowered the Governor to suspend or depose a chief and to vary the jurisdiction of native tribunals.

Both the chiefs and the intelligentsia were united in their opposition to the bill. The A.R.P.S. asked to be represented by counsel when the bill came up for discussion at the Legislative Council and this request was met by the Government. But even without counsel, Casely-Hayford had, in a lengthy speech at the Legislative Council, adequately presented the view of the African opposition. ² He repeated the argument which he used against the 1906 bill, namely that the rights of jurisdiction being inherent in the chiefs, the Governor had no power or right to withdraw or vary them. ³ In particular, he emphasised the objection of Africans to the clauses which made the Provincial Commissioner's decision final in land cases, and to those which give the Governor the power to suspend or depose a chief. ⁴

Guggisberg was surprised and disappointed that the chiefs had

¹ Leg.Co.Debates, 1922.

² Ibid.

³ Ibid.

⁴ Ibid.

joined the opposition to the bill. But in any case as a result of the unanimous and strong opposition to the bill he decided to withdraw it. He explained that "the nature of the opposition revealed by the debate and the mass of amendments showed that further preliminary conferences and enquiries were necessary".¹

Guggisberg contented himself by introducing in 1924 a bill making minor amendments in the Native Jurisdiction Ordinance. The most important of these amendments was that which provided that when a chief was suspended or deposed, it should be lawful for the Governor to make an order for the removal of such a chief from the division he formerly ruled to some other place within or outside his division.² The Government was hoping that this would lessen the steadily growing number of destoolments and stool disputes.

The A.R.P.S. objected to the bill and petitioned against it. The Society maintained that the bill "seriously invades the ancient rights and privileges of the peoples of the Gold Coast".³ As in 1922 the Society also asked to be represented by counsel but its plea was this time refused. Casely-Hayford presented, however, the case of the A.R.P.S. at the Legislative Council. He explained that under the customary law a chief could not be sent away from his district "except under certain circumstances", and in any case the power of removal belonged to the people and not to the Government.⁴ He strongly held

¹ Leg.Co.Debates, 1923.

² Leg.Co.Debates, 1924; P.R.O.,C.O.96.648, conf.despatch of 17.7.1924 from the Acting Governor to J. H. Thomas.

³ P.R.O.,C.O.96.648, A.R.P.S. petition, enclosed in conf.despatch of 17.7.1924 from the Acting Governor to J. H. Thomas.

⁴ Leg.Co.Debates, 1924.

that the bill was a threat to the democratic elements of the country's indigenous institutions.¹ All the African members on the Legislative Council, with the exception of Ofori Atta, joined Hayford in opposition to the bill.² Using its official majority, however, the Government passed the bill. However, it was between 1925 and 1927 that Guggisberg introduced far-reaching legislation with the view of strengthening the authority of the Head Chiefs. We shall discuss these legislations in the next chapter.

¹Ibid.

²Ibid. For more detail on why Ofori Atta supported this bill, see chapter eight, below.

CHAPTER THREE

THE CHALLENGE TO THE POLITICAL LEADERSHIP
OF THE CHIEFS, 1925-1929; THE AFRICANS' INITIAL
RESPONSE TO THE CREATION OF THE PROVINCIAL COUNCILS
OF THE PARAMOUNT CHIEFS AND THE ENACTMENT
OF THE NATIVE ADMINISTRATION ORDINANCE.

When Guggisberg assumed the Governorship of the Gold Coast, the chiefs, particularly the Head Chiefs, were under strong pressure and attack from both the Asafo organisations and the educated elite.¹ This, coupled with the rapid social and economic change made the position of the chiefs even more insecure. Furthermore, with the advent of the pax-Britannica the authority and dignity of the chiefs had generally suffered a serious diminution. The Head Chiefs no longer had the power of life and death; they could no longer quell rebellion; they could no longer make wars.

The decline of the power of the chiefs was clear from the increasing number of destoolments. The destoolments, which were very rare during the pre-colonial period, became very common during the colonial period. During the period 1910-1924 there were ninety-four destoolments; for the year 1924 alone the number was twelve.² Guggisberg repeatedly drew attention to this substantial increase in destoolments and complained that this was seriously affecting the stability of the indigenous customary institutions.³

The successive Governors, particularly Nathan, Rodger and Clifford, had taken, as we have seen in the previous chapter, the line (though

¹See chapter two above.

²Leg.Co.Debates, 1924. The speech of the Ag.S.N.A. on 7.3.1924.

³For example, Leg.Co.Debates, 1923-24, Guggisberg's speech on 21.3.1923.

in vague terms) that African indigenous institutions should be strengthened and that it was natural for the Government to rule the people through them. More than any of his predecessors, however, Guggisberg took a more active and practical role in strengthening and supporting the position of the chiefs.

As F. Agbodeka noted, Guggisberg seemed to have genuinely accepted the principle of gradual evolution of indigenous institutions as the best, if not the only, course open to those working for African advancement and progress.¹ This principle of gradual evolution implied that African chiefs should be allowed some powers at local government level under the general supervision of European political officers.² Hence Guggisberg constantly declared that it was his intention to strengthen the power of the chiefs, to save them from the "disturbing influence" of Western Civilisation, to stop their destoolments by their people, and to insure that relations between them and the Government became "ever closer and better".³

Apart from genuinely accepting the principle of gradual evolution of indigenous institutions, Guggisberg's apparent enthusiasm and determination to strengthen the authority of the chiefs was, however, motivated by other factors. Guggisberg, unlike Clifford for instance, had failed to appeal to or to win the confidence of the intelligentsia. His 'personal touch', which, in Wight's words, was his "greatest strength and charm" had seemingly appealed to the people in the street, but not to the intelligentsia.⁴

¹F. Agbodeka, "Sir Gordon Guggisberg's contribution to the development of the Gold Coast, 1919-27", in T.H.S.G., vol. XIII, No. 1, June 1972.

²Ibid.

³Sir F. G. Guggisberg, The Gold Coast: A Review of the Events of 1920-1926 and the prospects of 1927-28, Accra, 1927, p.238.

⁴M. Wight, The Gold Coast Legislative Council, London 1947, p.62; R. E. Wraith described Guggisberg as "a people's Governor", while Clifford was, by contrast, "a Governor for the elite"; Wraith, Guggisberg, London 1967, p.96.

The intelligentsia of the N.C.B.W.A. did not tell him of their plans and even sent their petitions directly to London. Having failed to win the confidence of the intelligentsia, Guggisberg decided to ally himself with the Head Chiefs against them. Hence his desire was to give a more prominent role in the political leadership of the country to the Head Chiefs, his allies, rather than to the intelligentsia. The Head Chiefs themselves needed Guggisberg's help to restore their declining power and prestige.

To achieve the strengthening of the political position of his allies, the Head Chiefs, and to divorce them from the intelligentsia, his opponents, Guggisberg seemed to have deliberately tried to widen the cleavage which occurred between the Head Chiefs and the intelligentsia over the "storm" of the N.C.B.W.A.¹ He constantly blamed the intelligentsia for the deterioration of the power of the chiefs and the troubles in the stools. In 1923, for instance, he maintained, "I cannot help feeling from time to time that the power of the Oman [State Council] of this Country is very seriously threatened by the thoughtless selfish acts of the so-called intelligentsia."²

Guggisberg continuously emphasised that the two groups, the Head Chiefs and the intelligentsia, were antagonistic and completely divided from each other. This was not true. Although the cleavage over the question of the N.C.B.W.A. was serious, the Head Chiefs and the intelligentsia were not really strictly divided. Of course there had been certain incidents of impatience on the part of the intelligentsia with the personnel of the chiefs and their councils but there was hardly such a thing as a "detrified" or "denationalised"

¹The split over the N.C.B.W.A. has been adequately described by Kimble in his A Political History of Ghana, 1850-1928, London 1963, chapter X; see also chapter two above.

²Leg.Co.Debates, 1923-24.

African. Even the most highly educated doctors, barristers and others would rally round their stool when it was in trouble. In support of this contention it should be mentioned that even in the midst of the controversy over the creation of the Provincial Councils, the leader of the intelligentsia, Casely-Hayford, argued that:

The division sometimes between educated and uneducated is a false one, because if education is good for the country we must not at any time seek to divide the educated from the uneducated. We go together. 1

Thus, it could be argued that in emphasising the split between the intelligentsia and the Head Chiefs, the Guggisberg's administration was in fact deliberately pursuing a policy of "divide and rule".

Paradoxically one of the major achievements for which Guggisberg was remembered in the Gold Coast was his establishment of Achimota and his policy of expansion in education as a whole. It must be emphasised, however, that although Guggisberg had from the start adopted education as the "chief plank" of his policy, he always refused to admit that the intelligentsia, who were steadily increasing in number, should have any political role outside the framework of the indigenous customary institutions.² To him education and politics were completely different things.

Furthermore, it should be remembered that a primary reason why Guggisberg adopted a policy of expansion in education was because he wanted to obtain more educated Africans for the clerical and other junior jobs in the Government service. This, he hoped, would save much of the revenue which would otherwise go in "overseas allowances", housing, etc., for the European officials; and accordingly, he hoped

¹Leg.Co.Debates, 1926-27, p.321; Hayford's speech on the 1925 Constitution.

²Sir F. G. Guggisberg, op.cit.; Wraith, op.cit., p.173.

he would thus be able to obtain the much needed money for his policy of development to which he was sincerely committed. ¹

Guggisberg's two principal measures to save the declining position of the Head Chiefs and to support them in the exercise of their powers was the creation in 1925 of the Provincial Councils of the Head Chiefs and the passing two years later of the Native Administration Ordinance (N.A.O.). The essential purpose of these measures was to integrate the Head Chiefs into the Governmental structure both at the central and local levels in order to consolidate colonial administration by isolating the intelligentsia from political power.

In this chapter, we shall attempt to describe and examine the initial reaction and opposition of the Africans, both the intelligentsia and the rural masses, to these measures. The assessment of the success and failure of these measures will be discussed in subsequent chapters.

The creation of the Provincial Councils of the Head Chiefs was the most outstanding feature of the 1925 Constitution. The Constitution provided for these Councils to consist entirely of Head Chiefs who were to elect six of their members to the Legislative Council. ² The number of the provincial members to the Legislative Council was based on the respective populations of the three provinces that constituted the Colony. In other words, three members were to be elected by the Council of the Eastern Province; two members by the Council of the Central Province, and one member by the Council of the Western Province. ³

¹For example, West Africa, 20.3.1926; Agbodeka, op.cit.

²Article 16 of the Legislative Council Order in Council, 1925.

³With regard to the Eastern Province its members to the Legislative Council were elected on "language representation", i.e. one member elected by the Akan, one elected by the Ewe and one by the Ga-Adangme speaking people. In practice this led to injustice. The Ewe section was comprised of the Awuna and Peki divisions. Their populations in 1921 were 119,302 and 19,608 respectively. As a result of this the representative of the Ewe to the Legislative Council was always elected

At the same time, the Constitution provided for the three coastal towns, Accra, Cape Coast and Sekondi, the home of the intelligentsia, to elect one member each to the Legislative Council.¹ So while the Head Chiefs doubled their seats on the Legislative Council, the intelligentsia continued to have the same number of seats that they had on the 1916 Legislative Council.

Guggisberg justified giving the Head Chiefs more representation on the Legislative Council than the intelligentsia by saying that the former were the "true" representatives and the "natural" rulers of the people and it was thus logical that they should be given more representation.² To him, this was the only method to preserve the power, authority, and prestige of the Head Chiefs.³ His prejudice in favour of the Head Chiefs was clear.

The creation of the Provincial Councils was thus to be seen in the light of Guggisberg's policy of strengthening the authority of the Head Chiefs at the expense of the intelligentsia. Guggisberg saw the functions of the Provincial Councils as follows:

from the Awuna division. But in spite of protests and petitions by the people of Peki and the Provincial Council of the Eastern Province this situation continued until 1940. In 1940, however, the Government agreed to amend the Constitution to the effect that the whole of a Provincial Council would take a part in the election of its representatives to the Legislative Council (i.e. election on language representation abolished); P.R.O., C.O. 96, 645, conf. despatch of 4.3.1924 from Guggisberg to J. H. Thomas; P.R.O., C.O. 96, 763, 31013/5, "The Electoral Law (Amendment) Ordinance, No. 10 of 1940".

¹The Legislative Council Order in Council, 1925.

²P.R.O., C.O. 96, 645, conf. despatch of 4.3.1923 from Guggisberg to J.H. Thomas.

³Ibid.

... these Councils would, in my opinion, serve to strengthen the ties of native institutions, would be educative, and would encourage that sense of responsibility which I hope, in course of time will lead to local Self-Government in the larger inland towns, and possibly to local government on County Council lines. It is, in my opinion, essential that the elective principle should apply to the chiefs in order to maintain and preserve their status as the natural rulers as compared with the intelligentsia, who are, from natural causes, steadily tending to break away from the authority of their chiefs. The establishment of the Provincial Councils with the power of electing representatives to the Legislative Council will undoubtedly encourage the chiefs to take wider responsibility and will assist in the development and advancement of their Divisions for the welfare of their people. The mere fact of these chiefs meeting together in a legally recognised council will disseminate knowledge and stir up a spirit of emulation. Further, these Councils will tend to assist the chiefs to maintain the integrity of their Divisions against the disintegrating influence of the ignorant and semi-literate young men who are increasing yearly in numbers. If the powers of the chiefs were weakened, there would be a corresponding strengthening of those influences which cause destoolments and are so very prejudicial to the welfare of the Division in particular and the Country in general. 1

The intelligentsia, however, considering themselves destined to be the national or political leaders of the Country naturally came out vigorously against the considerable representation given to the Head Chiefs. The A.R.P.S. looking on itself as the leading national body and the "medium of communication and understanding", between the Government and the people, saw in the creation of the Provincial Councils a serious threat to its existence. 2

The resentment on the part of the intelligentsia to increasing the role of the Head Chiefs in the Country's political leadership was in fact the principal and the real reason for their opposition to the Provincial Councils. This reason, however, was not given much prominence by the intelligentsia in their petitions, debates, etc.

¹Ibid. Before the passing of the N.A.O. in 1927 the term "Division" was often used, as it is used here, to refer to a traditional "State".

²For example P.R.O., C.O. 666/5983; the A.R.P.S.'s petition against the 1925 Constitution.

Instead, and apparently to win the support of the people in the rural areas, the intelligentsia chose to appear as the defending champions of the people's indigenous institutions and maintained that the creation of the Provincial Councils was a violation of these institutions.¹

The argument of the intelligentsia against the Provincial Councils as put forward in their speeches and petitions and their press could be summarised thus:

1. That the "National Federal system" of the people of the Gold Coast found its expression in the A.R.P.S. and that the creation of the Provincial Councils in their deliberative side must tend to the disruption of the Society and the destruction of the national spirit and sentiment;
2. That the creation of the Provincial Councils divorced the Head Chiefs from their sub-chiefs and their people;
3. That it was against the indigenous customary constitution for the Head Chiefs to sit on the Legislative Council. This was because the Head Chiefs, according to the customary constitution, did not make laws. It was the State Council, meeting together, which legislated;
4. That the electoral side of the Provincial Councils defeated the principle of elective representation by creating special electoral bodies which from among their members thereof must elect members to the Legislative Council. Instead, the intelligentsia did not want the people to be restricted in their power of choice, but wanted them to be permitted to elect qualified and efficient men to the Legislative Council as they might judge fit;
5. That there were not a sufficient number of Head Chiefs capable of intelligently and effectively taking part in the debates and proceedings of the Legislative Council;

¹Ibid.

6. That the influence of the Provincial Commissioners over the Head Chiefs of their provinces was likely to be so great as to minimise the independence of the elected Head Chiefs which was so essential to the exercise of the franchise.

In an editorial dated 15th May, 1926, and entitled "Provincial Councils and Elective Representation", the Gold Coast Independent asked why the meetings of the Provincial Councils took place at localities such as Nsawam, Dunkwa and Tarkwa instead of the usual meeting places of the people from time immemorial, Accra and Cape Coast. Was it, the Independent added, in these places the Provincial Commissioners, who were virtually governors of the situation, could have the necessary atmosphere in which the Provincial Councils could thrive?

7. That according to custom, no chief was allowed to speak in public except through his linguist (spokesman) and in the vernacular of his stool;

8. That in those stools where custom forbade a chief to cross certain boundaries, he would break this custom if he attended a Provincial Council in another part of the Country. ¹

Although the A.R.P.S. did not prepare its petition or send its delegation against the 1925 Constitution until long after the first meeting of these Councils took place, it had in fact been very active in the campaign against these Councils since the terms of the new Constitution were made public in April 1925. For example, in March 1926, the Society held at Cape Coast a conference which was attended by several of the Head Chiefs of the Central Province. The conference, after "mature consideration" of the Provincial Councils system,

¹Mainly computed from P.R.O., C.O. 96 666/5983, The A.R.P.S.'s ^{petition} against the 1925 Constitution; Leg.Co. Debates, 1926-27, Hayford's speech on 18.3.1926; West Africa, 9.10.1926; The Gold Coast Independent, 15.5.1926.

resolved that:

1. No Head Chief should attend any of the Provincial Councils' meetings or accept nomination to the Legislative Council since the presence of any Head Chief at the Provincial Council or the Legislative Council would involve a breach of the customary constitution;

2. The legal members of the Society were expected to assist in the defence of any chief who might get into difficulties with the Government by reason of his refusal to attend any of the Provincial Councils' meetings or accept nomination to the Legislative Council.¹ The Axim section of the Society also held a conference with the Head Chiefs of the Western Province and a similar resolution was passed.²

Apart from these conferences, resolutions and petitions, the Government complained that the A.R.P.S. used "misinterpretation and baseless rumour" to discredit the Provincial Councils system. As an example of this, the Commissioner of the Central Province stated that in August, 1926, E.O. Ababio, the Head Chief of Gomoa Ajumaku, at the instigation of the A.R.P.S., sent messengers round his state to collect money saying that:

1. The Government was endeavouring to bring a measure to take the people's land and that before the people would be allowed to farm they would have to obtain licences from the Agriculture Department;

2. If a man had four children, the Government was going to take two to work for it;

3. All cocoa produce would be divided into three parts of which

¹G.N.A., Cape Coast, ACC.No.7/64, "Resolution passed at the Conference of Natural Rulers with Executive Committee of the A.R.P.S. at Cape Coast in March 1926".

²G.N.A., Accra, ADM.11/921, No.24,1325, Minutes of 15.5.1929 by S.N.A.

the Government would take two and the producer one. ¹

The message was that the money was to be collected for the purpose of sending a deputation to London to protest against the new Constitution in general and the Provincial Councils in particular. ²

The Government made maximum exploitation of this "message" in its counter-attack against the A.R.P.S. The Acting Governor, J. C. Maxwell, quoted it in his opening address to the new Legislative Council and the Acting Secretary of Native Affairs, H. S. Newlands, also quoted it in his comments on the A.R.P.S. petition against the new Constitution. ³ It is true that in this "message" the A.R.P.S. took advantage of the illiteracy of the people in the rural areas and misinterpreted the purpose of the Provincial Councils. However, it is equally true that the Government, following its policy of "divide and rule", deliberately overexaggerated the A.R.P.S.'s "misrepresentation" of the functions of the Provincial Councils. Apart from this message in Gomoa Ajumaku, there seemed to be no evidence, either in Cape Coast, the headquarters of the A.R.P.S., or in the Western Province, the stronghold of the opposition against the Provincial Councils, of the A.R.P.S. misinterpreting the functions of the Provincial Councils to the people.

Not surprisingly Ofori Atta, the unrivalled leader of the chiefs, whom the Gold Coast Independent termed as the "foster father, if not the actual originator" of the Provincial Councils, took the lead in

¹G.N.A., Cape Coast, ADM.23/1/692, case No.C.P.646/27, "Notes of the proceedings at a meeting held at Mansu on 12.8.1926 between the Commissioner of the Central Province and the Omanhene of Asin Apimanim and his sub-chiefs and councillors.

²Ibid.

³Leg.Co.Debates, 1926-27; P.R.O.,C.O.96.673/4305, "Notes on the Petition of the A.R.P.S., by H. S. Newlands", Enclosure in conf. despatch of 21.4.1927, from Guggisberg to L. S. Amery.

refuting the argument of the intelligentsia.¹ But before describing Ofori Atta's argument in defence of the Provincial Councils, it is important to give a brief biographical account of him. Ofori Atta is a central character in this study and we shall be referring to him on several occasions.

Nana Ofori Atta, or Aaron Eugene Bonkye Danquah as he was known before his enstoolment, was born in 1881.² He started his education at the Basel Mission Elementary School at Anum at Kibi. He subsequently went to Begoro where he joined what was then known as the "Middle" or Grammar School. He remained at Begoro until he passed Standard VII whereupon he entered Akropong Theological Seminary. However, he left the Seminary after one year and went to Accra where he first worked as a law clerk with T. Hutton-Mills. After a year with Mills, he moved to the correspondence branch of the Customs Department. In 1900 he served as a Sergeant of the Gold Coast Volunteer Corps in the Ashanti Campaign. After his return from the campaign, he was appointed to the correspondence branch of the Governor's Office.

In 1903 Ofori Atta resigned from Government employment and went to Kibi where he joined the Secretariat of his uncle, the Omanene (Head Chief) of Akim Abuakwa. In 1912 Atta was elected and installed as the Omanene of Akim Abuakwa, one of the largest and wealthiest states in the Colony, a position he retained until his death in 1943. During 1914-1918, he was very active in support of the War effort. For instance,

¹The Gold Coast Independent, 18.9.1926.

²The following biographical account of Ofori Atta is mainly computed from M. Sampson, Gold Coast Men of Affairs, London 1969; P.R.O., C.O. 96717/21750; Leg.Co.Debates, 1944; The Gold Coast Independent, 28.8.1943; The Times, 26.8.1943.

he assisted in recruiting Africans for the East African Campaign and presented an aeroplane to the British Government for use in the War. In recognition of this service, the Governor, Hugh Clifford, appointed him to the Legislative Council in 1916 and awarded him a C.B.E. in 1918.

In 1925, Atta helped the Government in the creation of the Provincial Councils. Two years later he introduced the Native Administration Ordinance into the Legislative Council. In recognition of these activities he was made a Knight Commander of the Order of the British Empire in 1927 and in 1928 he was made a Knight of the British Empire. During the same year, 1928, he was elected by the Provincial Council of the Eastern Province (Akan section) as a Provincial member to the Legislative Council, a position he was re-elected to and kept until his death.

Apart from being a member of the Legislative Council during most of the period between 1916 and 1943, Atta was also a member of the Board of Education, a member of Achimota Council, a member of the District Agricultural Committee, and served on other innumerable Government committees. In fact, one would be hard put to look at the personnel roster of any Gold Coast committee during the inter war period and not find Atta's name. Atta was also the first president of the Provincial Council of the Eastern Province and subsequently president of the Joint Provincial Council.

Ofori Atta was one of the most, if not the most, prominent Gold Coast politicians during the inter-war period. Politically he was particularly distinguished by what the Times called his "unswerving loyalty" to the British Crown and the British connection. His political activities mostly consisted in collaborating with the

British colonial administration and helping to implement its Indirect Rule policies. Being educated, able and eloquent speaker, his help to the Government was effective and very crucial.

Having given a brief biographical account of Ofori Atta, we can now describe his argument in defence of the Provincial Councils.

Welcoming the new Constitution as a "great and gracious gift", Atta elaborately argued that the establishment of the Provincial Councils was not in any way a violation of the customary constitution.¹ He maintained that the suggestion that it was unconstitutional for a chief to sit on the Legislative Council was "most extraordinary" to come from those who professed to be progressive. He asserted that the chiefs and not the intelligentsia were the representatives of the people. He forcibly declared himself against the intelligentsia's claim to be

... a class which forms a substantial and influential integral part of the people of the Gold Coast who as subjects and citizens of the British Empire do not require mandate from the chiefs when presenting prayers for needed reforms.²

Ofori Atta, like Guggisberg, was not prepared to allow the intelligentsia a political role outside the framework of the indigenous customary structure.

The Government on its side was very active in refuting the criticisms and objections of the intelligentsia against the Provincial Councils. Guggisberg who was now decidedly determined to replace the A.R.P.S. with the Provincial Councils asserted that:

The Society has no justifiable claim to speak on behalf of the chiefs and the people of the Gold Coast as a whole. It is a private society controlled by a small number of office bearers in the coast towns.³

¹Leg.Co.Debates, 1926-27, Ofori Atta's speech on 18.3.1926.

²Ibid.

³P.R.O., C.O. 96.673/4305, conf. despatch of 21.4.1927 from Guggisberg to L. S. Amery.

From the Government's point of view, the era when the A.R.P.S. acted as a "medium of communication and understanding" between the people and the Government was now, for all practical purposes, over. A new era in which the Provincial Councils were gradually superceding the Society's political role had begun.

In refuting the argument of the intelligentsia against the Provincial Councils, the Government emphasised that the creation of the Provincial Councils was not a new innovation. The Acting S.N.A., H. S. Newlands, traced the origins of these Councils as far back as 1826 when the chiefs of the Eastern Province met at the village of Oyeadufo in order to concert measures of common defence against the Ashanti who were then invading the Eastern Province.¹ The result was the battle of Dodowa in which the Ashanti were defeated.

Newlands then made reference to the year 1852 when some of the Head Chiefs met at Cape Coast and constituted themselves into a Legislative Assembly and passed the famous Poll Tax Ordinance. He further stated that in 1868 some of the Head Chiefs met at Mankessim and formed the famous Fanti Confederation.²

Finally, Newlands made reference to the year 1918 when most of the Head Chiefs of the Eastern Province assembled at Accra and produced a list of proposals which included: the establishment of an Agricultural College; the establishment of a secondary school; the amendment of the Native Jurisdiction Ordinance; the advancement of Africans in public service by merit, etc.³ Newlands concluded that the Government was not in fact inventing the Provincial Councils but was rather

¹P.R.O., C.O.96.673/4305, Notes on the Petition of the A.R.P.S. against the 1925 Constitution, by J. H. Newlands, the AG.S.N.A., Enclosure in the Governor's despatch of 21.4.1927. Kimble (Political History, p. 450, footnote 1) referred to Newlands as being S.N.A. in 1926. In fact Newlands did not become S.N.A. until 1928. See C.O.List, 1929.

²Ibid.

³Ibid.

recognising the time-honoured practice of the Head Chiefs who had in the past often met in conferences to discuss issues. ¹

In a lengthy despatch in which he dealt extensively with the A.R.P.S. petition, Guggisberg also repeated Newlands' argument that the creation of the Provincial Councils was in no way a new innovation or a violation of the customary constitution. ²

Guggisberg added that the creation of the Provincial Councils did not in fact enable a Head Chief to make laws. He explained that the Provincial Councils merely provided a forum in which a Head Chief, accompanied by eight of his councillors, could ascertain and consider the nature of any measure proposed by the Government. ³ It was then his duty to discuss these measures in detail with his own State Council and thereafter to bring the decision of the latter before the Provincial Council. The next step was that the assembled Head Chiefs, after due deliberation, would inform the Government of their considered proposals. Those Head Chiefs who were members of the Legislative Council were then in a position to represent the views of the Provincial Councils as a whole in the Legislative Council. ⁴

Guggisberg concluded:

The establishment of a Provincial Council can thus in no way cause dissention between a chief and his people; it does not free the chief from his obligations towards his people nor does it take away their rights to destool him should he act contrary to the interests of the people. 5

¹Ibid.

²P.R.O., C.O. 96.673/4305, conf. despatch of 21.4.1927 from Guggisberg to L. S. Amery.

³Ibid.

⁴Ibid.

⁵Ibid.

With regard to the intelligentsia's contention that the Head Chiefs were incapable of following the proceedings of the Legislative Council, Guggisberg reacted sharply:

In my experience the criticism made by the chiefs who have been members of Council have been more helpful and informative than those of the other African members. 1

The argument of the Government could be criticised on several grounds. The essence of the Government's argument was that the Provincial Councils were not a new innovation but had their origin in Gold Coast history and institutions. Such an argument was in fact typical of the exponents of Indirect Rule who usually argued that the organs of colonial government were no more than indigenous institutions in modern constitutional clothes. To argue against this view, one can point out that it was true that there had been moments in Gold Coast history when the Head Chiefs, particularly in supreme necessity of war, met together. However, never before the creation of the Provincial Councils in 1925 had the Head Chiefs been organised in regular assemblies on a permanent basis to take part in the administration of the Colony.

Furthermore, it could be argued that Guggisberg was obviously leaning too far in favour of his allies, the Head Chiefs, when he asserted that they were capable of taking an effective part, even more than the intelligentsia, in the proceedings of the Legislative Council. It was true that some of the Head Chiefs, such as Ofori Atta, were just as capable of taking an intelligent part in the proceedings of the Legislative Council as the members of the intelligentsia but these were very few and the majority of the Head Chiefs were illiterate and thus incapable of taking an effective part in the debates of the Legislative Council. Finally, it could be said that the restriction on the Provincial Councils to elect to the Legislative Council only Head Chiefs had undoubtedly limited the expression of African views.

¹Ibid.

With regard to the intelligentsia's argument against the Provincial Councils, it could be noted that their interpretation of the customary constitution was rigid and conservative. In fact, it was difficult to agree with the A.R.P.S. on how the presence of the Head Chiefs on the Legislative Council could be a violation of the customary constitution. Even before the creation of the Provincial Councils, some Head Chiefs had been nominated to the Legislative Council.¹ The customary constitution was not static but changing and flexible and thus there was no reason why it should not allow for the chiefs to sit on the Legislative Council or to speak in public.

This does not suggest that the A.R.P.S.'s defence of the customary constitution against the chiefs themselves was not genuine, but rather that it was not their real or primary objection to the Provincial Councils. The intelligentsia's real objection, which was seldom explicitly expressed by them, was to the considerable representation given to the Head Chiefs. Had the 1925 Constitution empowered the Provincial Councils to elect non-chiefs to the Legislative Council the intelligentsia would have most probably made no objection. In fact, in March 1923, when Guggisberg interviewed Casely-Hayford, Hutton-Mills and Van-Hein and discussed with them the creation of the Provincial Councils, giving them the impression that such Councils would be allowed to elect commoners, they made no objection to their creation.²

In any case, the A.R.P.S. campaign against the Provincial Councils seemed to have initial success. The three Councils met on the 17th May, 1926. In the Western Province the meeting of the Council was a

¹See chapter two above, p 62.

²P.R.O., C.O. 96.666/5983, Minute by Guggisberg on the A.R.P.S.'s petition against the 1925 Constitution.

complete fiasco, for although eight Head Chiefs, out of a total of twenty-two entitled to sit, met at Tarkwa and were kept in the Council Chamber all day, they refused to elect their representative to the Legislative Council and instead registered their protest against the whole procedure. ¹

In the Central Province out of twenty-eight entitled to sit only eleven Head Chiefs met at Dunkwa. ² However, they succeeded in electing their two members to the Legislative Council. These were Otu Ababio II, Omanhene of Abura, and Ayirebi Acquah III, Omanhene of Winneba.

Not surprisingly in the Eastern Province where the ground for the reception of the Provincial Council had been prepared by Ofori Atta, the key partner of colonial administration, ten Head Chiefs, out of a total of thirteen entitled to sit, met at Nsawam and chose their three representatives to the Legislative Council. ³ These were Mate Kole, Konor (Head Chief) of Many Krobo, Togbi Sri II, the Fia (Head Chief) of Awuna, and F. W. Kwesi Akuffo, Omanhene of Akwapim. At the end of the meeting the Council passed a resolution placing on record,

... their deep sense of gratitude to the Government for the practical support given to the Native Administration which has culminated in the inauguration of the Provincial Council, for such a Council apart from its electoral functions, affords them better opportunities of uniting with a view to discussing matters affecting the welfare of the Country. ⁴

Yet, even in the Eastern Province the satisfaction of the Government was not complete. The Ga Mantse (Head Chief), Tackie Yaoboi of the Ga State declined to attend the meeting of the Provincial Council.

¹Leg.Co.Debates, 1926-27; West Africa, 23.10.1926.

²P.R.O., C.O. 96.666/5983, conf. despatch of 16.7.1926 from J. C. Maxwell to L. S. Amery.

³Ibid.; Report on the Eastern Province, 1926-17.

⁴P.R.O., C.O. 96.673/4305, "Resolution passed by the Eastern Province Council", Enclosure in the Governor's despatch of 21.4.1927.

The Ga State was very important and large in size and population and included Accra Municipality. Significantly the Ga Mantse was the president of the A.R.P.S. section of the Eastern Province and in his letter to the Government refusing to attend the meeting of the Provincial, he closely followed the Society's argument. He stated that:

1. It was contrary to custom for the Ga Mantse to travel from Accra to any part of the Province to hold meetings with other Head Chiefs;

2. It was contrary to custom for the Ga Mantse to participate in Legislative Council debates, or to vote on behalf of the Ga people, and it was against custom for any other Head Chief to represent them on the Council.¹

The Government officials must have felt very upset that Tackie Yaoboi, for whom they had only a few months ago intervened to save from destoolment,² had boycotted the meeting of the Provincial Council.

It was not, however, until after, and as a result of the passing of the Native Administration Ordinance in 1927 that the campaign against the Provincial Councils reached the peak of its success. This we shall soon discuss.

The passing of the Native Administration Ordinance in 1927 was Guggisberg's second major measure for strengthening the authority of the Head Chiefs. Guggisberg had, as we have seen in the previous chapter, introduced in 1922 an amendment to the Native Jurisdiction Ordinance of 1883 but as a result of an unanimous opposition by the African members of the Legislative Council, he withdrew it. In his address to

¹ G.N.A., Accra, ADM.11/925, Letter of 14.5.1926 from Tackie Yaoboi, Ga Mantse, to the Commissioner of the Eastern Province.

² Sessional Paper No.X of 1925-26, Report on an inquiry held by C.W. Welman, the S.N.A. For more details see chapter eight below.

the Legislative Council in February, 1925, Guggisberg made the following statement:

While I feel strongly that Government will have to do something to strengthen the power of the Chiefs and to prevent their rule becoming a farce, I am of the opinion that we should first wait for proposals from the Paramount Chiefs and their Oman Councils. Whenever Government in the past have attempted to legislate to strengthen their position, even though we may have previously consulted many of them, we have usually met with firm opposition from the very native rulers that we are trying to help. I therefore feel strongly that the first move must be made by the Chiefs themselves. 1

At the same session of the Provincial Council Ofori Atta asked whether in view of the need for a new measure to supercede the Native Jurisdiction Ordinance the Government might be prepared to grant the necessary leave to an unofficial member to introduce a Bill to the Legislative Council at an early date. ² To this question the Colonial Secretary replied:

Government would not oppose the introduction of a Bill dealing with the subject of Native Jurisdiction ... Government is in full sympathy with the Honourable Member's view that the whole subject of Native Jurisdiction in the Colony requires the most careful consideration. At the same time while it will give leave for such a Bill to be introduced, it cannot pledge itself in advance to support it until the terms of the Bill are known and full consideration has been given to them. 3

Encouraged by such statements, some of the Head Chiefs of the Eastern Province met in May 1925 in a conference which took place at Nsawam, over which Ofori Atta presided, and drafted a Native Administration Ordinance. ⁴ This was then circulated by Ofori Atta throughout the Colony for the consideration of the different Head Chiefs. Ofori Atta even sent a copy of the draft Ordinance to the Executive Committee of

¹Leg.Co.Debates, 1925.

²Ibid.

³Ibid.

⁴Report of the Native Affairs Dept., 1925-26.

the A.R.P.S. and asked for their suggestions and criticisms.¹ In reply, the Executive Committee objected to Ofori Atta sending such a letter and asked if he was still a member of the Eastern Province section of the A.R.P.S.²

Meanwhile, the draft Ordinance was carefully examined, altered where necessary and put into legal phraseology by a Government Committee appointed especially for this purpose.³ Therefore, although the draft Ordinance was originally drafted by some of the Head Chiefs and introduced in the Legislative Council by Ofori Atta - and for that matter, it was the first time in the history of the Council that a Bill was introduced by an unofficial member - it was for all intents and purposes just as much a Government measure as if it had been introduced by the Secretary for Native Affairs.

The Bill was introduced into the Legislative Council and read a first time on the 4th of March, 1927. At the time there was only one municipal member on the Legislative, namely Kojo-Thompson who accepted nomination as a member of Accra. The municipal seats of Cape Coast and Sekondi remained vacant as the A.R.P.S. boycotted the new Legislative Council.

However, Guggisberg invited Casely-Hayford and Glover Addo to become extraordinary members of the Legislative Council for discussion of the Bill in its second reading. Following the instruction of the A.R.P.S., they declined the invitation.⁴ A motion to introduce a petition from the A.R.P.S. against the Bill and for counsel to appear before the Council was rejected and an attempt to postpone the discussion

¹G.N.A., Cape Coast, ACC.No.115/65, File No.28, Letter of 29.4.1926 from Ofori Atta to President of the A.R.P.S.

²Ibid., letter of 11.5.1926, from Secretary of the A.R.P.S. to Ofori Atta.

³G.N.A., Accra, ADM.11/974, case No.21/1927, Minute of 29.7.1928.

⁴For example, G.N.A., Accra, ADM.11/1420, Report of the Native Affairs Dept., 1927-28.

of the Bill was defeated.

The Bill was passed into law on the 21st April, 1927, replacing the forty-four year old Native Jurisdiction Ordinance. It took its place in the Statute book as the Native Administration Ordinance, No.18 of 1927, "An Ordinance to define and to regulate the exercise of certain powers and jurisdiction by Native Authorities, and to assign certain functions to the Provincial Councils, and for purposes connected therewith." ¹ Naturally the provincial members on the Legislative Council supported the passing of the Ordinance. Only the single voice of Kojo-Thompson was in fact raised against it.

The Native Administration Ordinance (N.A.O.) recognised and defined categories of chiefs, the most important of whom were "Paramount Chiefs", this term being substituted for "Head Chiefs". ² The procedures of electing, installing and deposing these chiefs were described in detail. ³ The powers and jurisdiction of the Paramount Chiefs as distinct from those of other chiefs were for the first time clearly defined. Furthermore, the Ordinance tried to strengthen and safeguard the position of the Paramount Chiefs against their sub-chiefs. For instance, the Ordinance provided that,

No Divisional Chief or Chief shall claim independence from a Paramount Chief Stool or from any Stool to which he or his Stool is subordinate; and No Divisional Chief or Chief shall transfer or withdraw, or attempt to transfer or withdraw, his or his Stool's allegiance from the Paramount Stool or from the Divisional Stool to which he or his Stool owes allegiance. ⁴

The Ordinance also empowered the Paramount Chiefs to make by-laws for the "good government and welfare" of their States. ⁵

¹For a copy of the Ordinance see P.R.O.,C.O.96.673/4308, Enclosure in Despatch No.389 of 19.5.1927 from J. C.Maxwell to L. S. Amery.

²Part I of the N.A.O.,No.18 of 1927.

³Part II of the N.A.O.

⁴Part IV (clause 33) of the N.A.O.

⁵Part VII (clause 40) of the N.A.O.

The Ordinance recognised and attempted to provide an elaborate scheme for the regulation and organisation of the native tribunals.¹ The jurisdiction of the different grades of these tribunals was defined and the procedure of appeals was described.² Besides the tribunals, the Ordinance gave jurisdiction to the State Council and the Provincial Councils. For the first time the State Council was recognised as the highest authority in the State and empowered to deal with stool disputes.³

A Provincial Council was given the power to entertain the following:

1. All disputes of a constitutional nature arising between Paramount Chiefs of the same province, or between sub-chiefs of different states but in the same Province;
2. All disputes relating to the ownership, possession or occupation of lands, or to jurisdiction arising between Paramount Chiefs of the same province or sub-chiefs of different States but in the same province. Disputes of chiefs of two provinces were to be tried by two Provincial Councils sitting jointly;
3. Any question, matter, or dispute referred to it by the Governor for hearing and determination.⁴

The Native Administration Ordinance was strenuously opposed by the intelligentsia who were resentful of any measure, even a limited one, to strengthen the position of their political rivals, the Paramount Chiefs. In addition to the competition over the Country's political leadership, the intelligentsia had another real reason to

¹Part VIII of the N.A.O.

²Part IX of the N.A.O.

³Part X of the N.A.O.

⁴Part XI of the N.A.O.

oppose the Ordinance. The Ordinance had removed from the Supreme Court to the native tribunals the jurisdiction to entertain cases relating to political and constitutional disputes between the chiefs such as those involving succession to stools or the custody of stools' properties. ¹ This had hitherto proved a regular source of income to the members of the intelligentsia who, for the most part, were practising barristers. To quote one example, the Tufehene of Assin Apimanim had paid over £1,000 in lawyers' fees to establish his claim to a stool. ²

As during the 1925-26 campaign against the Provincial Councils, the intelligentsia chose not to give prominence to their real objections but once again the battle cry was that the Native Administration Ordinance was, like the Provincial Councils before, ^{it,} violating the customary constitution. The argument of the intelligentsia against the Native Administration Ordinance could be briefly summarised thus:

1. That the Ordinance would lead to the introduction in the Gold Coast of ideas of "political administration", i.e. Indirect Rule, developed in Northern Nigeria where conditions were totally different from those existing in the Gold Coast;
2. That the Ordinance violated the democratic nature of the customary constitution and assigned to the Paramount Chiefs functions and rights which never belonged to them under the customary constitution;
3. That the exercise of these functions and rights could not but place such Paramount Chiefs beyond the control of their sub-chiefs and people;
4. That the Ordinance conferred judicial powers on the Administrative officers and this was inimical to the best interests of litigants. ³

¹Part IV(clause 35) of the N.A.O.

²G.N.A., Accra, ADM.11/974, case No.21/1927, Minute of 25.5.1928 by the Commissioner of the Central Province.

³Mainly computed from G.N.A., Accra, ADM.11/974, case No.21/1927, petition

The majority of the press, which had always championed the political causes in the country and which was usually owned and edited by members of the intelligentsia, came out strongly against the Native Administration Ordinance and took the opportunity to renew its attack on the Provincial Councils.

The Gold Coast Spectator, for example, maintained that there was no legislation within recollection which had been enacted that had caused so much trouble to the different states.¹ The Paramount Chiefs, the Spectator explained, were given more power by the Ordinance and thus supported it; on the other hand the people felt their interests had been ignored and the clauses of the Ordinances alienated their chiefs from them and placed them in the category of Government officials.² Two weeks later, the Spectator added that it was clear from daily events that the Ordinance was doing more harm than good to the Country.³ It argued that the Ordinance "imperils the peace of the Country and greatly upsets Native custom and usage." The remedy, the Spectator suggested, was to suspend the operation of the Ordinance.⁴

The Gold Coast Independent, owned by Dr. Nanka-Bruce, a prominent figure of the intelligentsia, also held that the Provincial Councils and their progeny, the Native Administration Ordinance, had caused serious differences between the people and their Paramount Chiefs.⁵

of the A.R.P.S. dated 13.2.1928 against the N.A.O.; P.R.O., C.o. 96.673/4308, proceeding of a mass meeting held at Accra on 14.4.1927; Leg.Co. Debates, 1927-28.

¹The Gold Coast Spectator, 8.10.1927.

²Ibid.

³The Gold Coast Spectator, 22.10.1927.

⁴Ibid.

⁵The Gold Coast Independent, 7.1.1928.

The Independent urged the Government to drop the Ordinance or gather the collective opinion of the people by a referendum. ¹ The Independent was convinced that if such a referendum were conducted the people would come out clearly against the Ordinance. ²

The Gold Coast Times took the opportunity of the publishing of the Ordinance to stage what could probably be described as the strongest attack on the Provincial Councils. ³ It carried the following:

The motive behind the institutions of these Councils is revealed in the character of the Bill [i.e., the N.A.O.] : it is not to save native institutions in the impact with western civilization, as the Government has been preaching to the whole outside world, but to extend the powers of the Chiefs beyond the limits by customary law, and having gratified this natural craving, to influence them in turn to give their sanctions to the class of legislation which the Government cannot introduce on its responsibility without its authority being called in question. In short, the Provincial Councils were designed to do the dirty work of the Government, if we may so put it, and as vehicles for clearing legislative garbage. ⁴

Surprisingly the Vox-Populi, usually considered a radical and anti-colonial newspaper, came out clearly in favour of the Native Administration Ordinance. ⁵ In an editorial entitled "The Case for the Chiefs", it stated that great credit was due to those chiefs who were responsible for the birth of the Ordinance and they were to be congratulated on the fact they had thought it fit to take steps to protect their positions, the absence of legislation in regard to which had been a cause of eternal unrest in the country. ⁶ The Vox-Populi went on to

¹Ibid.

²Ibid.

³The Gold Coast Times, 19.3.1927.

⁴Ibid.

⁵The Vox-Populi, 26.3.1927.

⁶Ibid.

argue that,

It is not doubted that there is inherent native jurisdiction existent in our Natural Rulers, and if we will only remember that the consolidation of British Authority itself in our land has been founded on native jurisdiction originally as ameliorated by the venerable Maclean sitting with our chiefs and judges, it should be conceded that our chiefs have every right to legislate as they have done from time immemorial.... To us there does not appear to be anything new in the Bill. Nothing that does not exist already save the augmentation of their jurisdiction in civil cases to a higher amount which is in itself reasonable and just. ¹

But the Vox-Populi was a single voice in an otherwise united opposition to the Native Administration Ordinance. In any case, the Vox-Populi itself changed its stance five years later when in 1932, as we shall explain in the next chapter, it declared itself against the Native Administration Ordinance. ²

Section 129 of the Native Administration Ordinance gave the intelligentsia an opportunity to revive their attack on the Provincial Councils. This section made it lawful, but not obligatory, for the Governor to remove from the schedule of the States to which the Ordinance was intended to be applied any State whose Paramount Chief was not attending the meetings of the Provincial Council. Accordingly, the intelligentsia spread it about that any people who wished to avoid coming under the Ordinance had only to insure that their Paramount Chief should cease to attend the meetings of the Councils. ³

As a result of the actions of the intelligentsia, and owing to the abolition of various subordinate native tribunals effected by the Ordinance, several subordinate chiefs sought to forbid their Paramount Chiefs to attend the meetings of the Provincial Councils in the hope that thereby section 129 of the Ordinance would automatically result in its being withdrawn from their States. ⁴

¹Ibid.

²The Vox-Populi, 27.6.1932. For more detail see chapter four below.

³For example the Leg.Co.Debates, 1928-29.

⁴P.R.O., C.O., 96.677/6033, conf. despatch of 29.12.1927 from Slater to L. S. Amery.

In addition to the support of the subordinate chiefs, the campaign of the intelligentsia was made successful because of the crucial support of the rural people. The Native Administration Ordinance enabled the colonial Government to interfere more and more in the day-to-day affairs of the stools, particularly in enstoolments and destoolments. Naturally the people saw this as a deliberate attempt on the part of the colonial Government to undermine the democratic element in their indigenous institutions.

The democratic Akan political system and the autocratic Indirect Rule system were contradictory and could not possibly co-exist. Whenever the people felt that their Paramount Chiefs were collaborating or integrating too closely with the colonial Government they would simply destool them. The weapon of destoolment was very effective in the campaign against the Native Administration Ordinance. Several Paramount Chiefs were instructed by their people not to attend the meetings of the Provincial Councils and those who defied the instructions of their people were in fact destooled.

Ironically the rural people's revolt against the Ordinance first manifested itself in the Eastern Province, the stronghold of the Provincial Councils and whose Paramount Chiefs were the original sponsors of the Native Administration Ordinance. Here in May 1927, the State Council of Akwapim, under pressure from its people, disassociated itself from the activities of its Omanhene, F. W. Kwesi Akuffo, and instructed him to refrain from attending the Provincial and Legislative Councils.¹ It is to be recalled that Akuffo was one of the original sponsors of the Native Administration Ordinance and had been elected in 1926 to the Legislative Council as one of the three Provincial members of the Eastern Province.

¹G.N.A., Cape Coast, ACC.No.115/67, File No.28, proceedings of a meeting held on 17.4.1927 at Akwapim state; The Gold Coast Independent, 7.1.1928; West Africa, 16.7.1927.

Because of the activities of the State Council of Akwapim, the Commissioner of the Eastern Province met the Council members and expressed "unsympathetic words" and showed an "unsavoury attitude" towards their action.¹ This attitude of the Commissioner prompted the State Council to pronounce immediately the formal destoolment of their Omanhene.

Not surprisingly the Government refused to recognise the destoolment of the Omanhene. The new Governor, Sir. R. A. Slater, went to Akwapim and told the people that they had no power to prevent the Omanhene from attending the Legislative Council.² The Governor also promised support and protection to the Omanhene should he decide to attend the Council. However, the Omanhene died suddenly in November 1927, and this was taken by the people of Akwapim as an indication that their "ancestors" were on their side.³

In New Juaben State, also in the Eastern Province, a mass meeting was held on the 12th of September, 1927 and a resolution repudiating the Native Administration Ordinance was passed.⁴ The resolution asserted that in supporting the Ordinance, the Omanhene, Nana Kwaku Boateng, had acted without the permission or sanction of his State Council and his people.⁵ The resolution accused him of betraying the trust of his council and his people and declared him destooled.⁶

F. W. Kwesi Akuffo was born on 21.6.1863 and was educated in the Basel Mission School at Akropong. He was enstooled as Omanhene of Akwapim in 1896, destooled in 1907 but reinstated in 1919. He died in November, 1927. Leg.Co.Debates, 1928-29.

¹The Gold Coast Spectator, 19.11.1927.

²West Africa, 24.9.1927.

³G.N.A., Accra, ADM.11/1420, Report on the Native Affairs Dept. 1930.

⁴Sessional Paper No.V. of 1929-30, Enquiry into the alleged deposition of Nana Kwaku, Omanhene of New Juaben; The Gold Coast Independent, 8.10.27.

⁵Sessional Paper No.V of 1929-30, ibid.

⁶Ibid.

The Government refused to acknowledge the Omanhene's destoolment.

A mass meeting was also held in October 1927, in Awuna State, in the Eastern Province, and it resolved to protest against the Ordinance.¹ The Awuna Fia (Paramount Chief) Togbi Sri II, who had been elected in 1926 as a Provincial member to the Legislative Council, was instructed to cease attending the meetings of the Provincial and Legislative Councils.² Sri II obeyed these instructions.

Still in the Eastern Province, in October 1927, the State Council of Akwamu sent a letter to the Government protesting against the Native Administration Ordinance on the grounds that:

1. The Omanhene, Nana E. A. Ababio IV, who was one of the original sponsors of the Native Administration Ordinance, did not consult his State Council and his people until after the Ordinance was passed in the Legislative Council;

2. The Native Administration Ordinance degraded most of the important chiefs in the States and sought only the interests of the Paramount Chiefs.³ The State Council then instructed the Omanhene to cease attending the meetings of the Provincial Councils.

Our last example of the revolt of the people of the Eastern Province against the Native Administration Ordinance was that of the Peki State. Here a resolution was passed against the Ordinance and the Omanhene was instructed by his State Council to cease attending the meetings of the Provincial Council.⁴

¹The Gold Coast Independent, 22.10.1927.

²Ibid.

³G.N.A., Accra, ADM.11/974, case No.21/1927, letter of 10.10.1927 from Omanhene of Akwamu to the D.C.

⁴Report on the Eastern Province, 1927-28.

By and large, the majority of the Paramount Chiefs of the Eastern Province who in 1925 and 1926 strongly supported the Provincial Councils system, were now in 1927 instructed by their State Councils, which were themselves under pressure from their people, to cease attending the meetings of the Provincial Councils.

In the Central Province, the most outstanding example of opposition to the Native Administration Ordinance was that of the Oguaa State (Cape Coast). ¹ Here the Omanhene himself, his State Council, the majority of the Asafo organisations and the A.R.P.S. all joined in opposing the Provincial Councils system and the Native Administration Ordinance. In fact, the opposition of the Oguaa State to these measures continued until 1943, just one year before the Native Administration Ordinance itself was repealed. The opposition of the State Oguaa will be explained in more detail in chapter seven.

In Winneba State, also in the Central Province, the Omanhene Ayeribi Acquah III, who was elected in 1926 as a Provincial member to the Legislative Council, was instructed to attend no more meetings of the Provincial Council or the Legislative Council. ² The Omanhene refused to obey the instructions of his State Council. As a result, his State Council and his people destooled him in spite of the effort of the political officers to explain the Ordinance to them in a "sugar-coated fashion". ³

Another example of the revolt of the people in the Central Province was that of the Abura State. Here the Omanhene, Otu Ababio II, was elected in 1926 as a Provincial member to the Legislative Council and when the Native Administration Ordinance was enacted he consented to

¹For more detail on the Oguaa State's opposition to the Provincial Councils system and the N.A.O. see chapter seven below.

²The Gold Coast Spectator, 8.10.1927.

³The Gold Coast Leader, 2.7.1927.

its application in his State. ¹ However, early in November 1927, his State Council, his sub-chiefs and his people declared their disapproval of the Ordinance and their unwillingness to be governed by its provisions. ² A few days later, the Omanhene suddenly died and this was taken as another example that the "ancestors" were on the side of the people. ³

Our final example of the Central Province's revolt against the Native Administration Ordinance was that of Ekumfi State. Here the State Council held a meeting with the Omanhene and formally restrained him from further attending or associating himself with the Provincial Council. ⁴ For his previous association with the Provincial Council, the Omanhene was fined £21. ⁵

By and large there was ample evidence to demonstrate that by the end of 1927, the campaign against the Provincial Councils and the Native Administration Ordinance was very successful and the whole system seemed to be collapsing. The S.N.A. complained annoyedly that the Native Administration Ordinance was becoming "unpopular among the masses". ⁶ The Provincial Commissioner of the Central Province admitted that the opponents of the Provincial Council gained much success in their campaign and that by January 1928, there appeared to be little prospect of the Council surviving the onslaught. ⁷ In

¹Otu Ababio was enstooled as Omanhene in 1900, destooled in 1904 and reinstated in 1909. In 1926 he was elected President of the Provincial Council of the Central Province and also elected to the Legislative Council. But he only took his seat on the Legislative Council once. He died in November 1927. Leg.Co.Debates, 1928-29.

²G.N.A., Cape Coast, ADM.23/1/507, letter of 10.11.1927 from Omanhene of Abura to the Commissioner of the Central Province.

³G.N.A., Accra, ADM.11/1420, Report on the Native Affairs Dept. 1930.

⁴The Gold Coast Independent, 9.1.1927.

⁵Ibid.

⁶Report of the Native Affairs Dept. 1927-28.

⁷Report on the Central Province, 1927-28.

fact the majority of the Paramount Chiefs in the Eastern and Central Provinces were instructed by their State Councils and their people not to attend the meetings of the Provincial Councils. Moreover, all the Paramount Chiefs, with the exception only of Mate Kole, the Konor of Manga Krobo, who were elected in 1926 to the Legislative Council were now in 1927 told by their people to cease attending it. In the Western Province the Paramount Chiefs, as we have described, had from the start opposed and boycotted the Provincial Councils system and the Native Administration Ordinance.

The success of the revolt against the Provincial Councils and the Native Administration Ordinance was short-lived. Governor Slater arrived in the country in July 1927, when the opposition to the Provincial Councils and the Native Administration Ordinance was at its peak. To the disappointment of the intelligentsia, who rejoiced at the departure of Guggisberg, Slater from the start made it determinedly clear that he saw no reason why he should depart from the general lines of policy pursued by his predecessor.¹

Slater expressed the view that the Provincial Councils were "a very natural and sound development" of the indigenous institutions.² He also asserted that he was not going to suspend the Native Administration Ordinance but rather he was going to make it a success.³ Accordingly, he and his politocal officers began an active campaign of meetings and personal contacts with the Paramount Chiefs and their people. The purpose was to refute the criticisms of the intelligentsia and emphasise that the Provincial Councils and the Native Administration

¹Leg.Co.Debates, 1928-29.

²Ibid.

³Ibid.

Ordinance were beneficial to the chiefs and their people.¹ The A.R.P.S. was portrayed to the people as a private society and Slater denied that it had the right to dictate to the chiefs on their attitude towards the Government.

Perhaps a more effective move in winning support for the Provincial Councils and the Native Administration Ordinance was Slater's decision to apply the Ordinance, as from January 1928, to all the States and not only to the States listed in the third schedule of the Ordinance.² This reduced considerably the pressure on the Paramount Chiefs.

It had now become clear to the people that, contrary to what section 129 of the Ordinance made them believe, preventing their Paramount Chiefs from attending the meetings of the Provincial Councils would not after all automatically or necessarily mean that the Native Administration Ordinance would not be applied to their States. Furthermore, the Paramount Chiefs themselves seemed to be frightened by the enormous success of the agitation against them and this made them more accessible for an alliance with the colonial officials. They seemed to have become decidedly convinced that if their declining authority was to be saved then they should finally abandon the A.R.P.S. and instead clearly integrate themselves with the colonial administration which was offering them more power and protection. Finally the Paramount Chiefs were encouraged in accepting the Provincial Councils system by the "liberal scale of cash payments" for time spent at meetings and in travelling.³

¹For example, G.N.A., Accra, ADM.11/921, Memo. by the S.N.A. dated 10.8.1927 and entitled "Benefits that occur to the Paramount Chief's state when the Paramount Chief is a member of Provincial Council."

²P.R.O., C.O.96.677/6033, conf.despatch of 29.12.1927 from Slater to L. S. Amery.

³Kimble, Political History, 503.

Fortunately for both the Paramount Chiefs and the colonial Government, the intelligentsia themselves were no longer united in their opposition to the Provincial Councils and the Native Administration Ordinance. Their leader, Casely-Hayford who had vigorously opposed these measures changed his mind in 1928 and concluded that it had been a mistake to oppose them.

Perhaps Hayford realised that the colonial administration, which was then strongly established and was gradually committing itself to a Lugardian type of Indirect Rule, was not going to suspend either the 1925 constitution or the Native Administration Ordinance. Thus, as a pragmatic politician, he sought reform from within instead of the policy of complete non-cooperation. Furthermore, we may speculate that Casely-Hayford's "change of heart", to use Kimble's phrase, was caused by his feeling that before he died he wanted to be reconciled with his adversaries.

Whatever the reason, Hayford declared that the Provincial Councils system was useful and would be workable and on his return to the Legislative Council he took the opportunity to state that:

I must say candidly that I for one was at one time opposed to the system [the Provincial Councils system] because I thought that it infringed the order of making the State Council the Authority instead of the Oman, but, however, it has been made clear to the responsible men of the Country that the time has come for them to explain the misunderstanding so that all might work together and co-operate. 1

This was followed by a reconciliation in 1929 with Ofori Atta, the leader of the chiefs. Hayford's "change of heart" was a decisive factor in reducing the opposition to the Provincial Councils and the Native Administration Ordinance.

¹Leg.Co.Debates, 1929-30.

As a result of all these factors, the Paramount Chiefs gradually resumed their attendance at the Provincial Councils meetings and began to apply the Native Administration Ordinance to their States.

The Provincial Council of the Central Province met on the 27th February, 1928, and passed a resolution against the A.R.P.S. opposition to the Provincial Councils and the Native Administration Ordinance.¹ The Council took the opportunity to offer the Government its "high appreciation of the unremitting efforts made by Government to protect our persons from molestation, and our authority from being trodden upon."²

By April 1928, only three of the twenty-eight States comprising the Provincial Council of the Central Province were unrepresented, Oguaa, Ajumako and Abeadzi.³ The Commissioner who had a year ago given up every hope of the Provincial Council surviving the onslaught now happily reported that the opposition to the Provincial Council and the Native Administration Ordinance was fading.⁴ Equally, the opposition in the Eastern Province was fading.

In the Western Province, where the Paramount Chiefs had originally refused to establish a Provincial Council, they now at last met in April 1928, inaugurated the Provincial Council and elected Nana Annor Adjaye, Omanhene of Western Nzima, as their representative to the Legislative Council.⁵

¹G.N.A., Accra, ADM.11/921, case No.24/1925, "Resolution passed by the 8th session of Provincial Council of Central Province, on 27.2.1928."

²Ibid.

³Report on the Central Province, 1928-29.

⁴Ibid.

⁵Report on the Western Province, 1927-28.

On the whole, throughout 1928 and 1929, the three Provincial Councils continued to be held regularly and were well attended.¹ By 1930 only four out of the country's sixty-three States were still refusing to join the deliberations of the Provincial Councils.² But though the Provincial Councils were firmly established and the Native Administration Ordinance was accepted as the measure regulating the affairs of the stools, they both, as we shall explain later, fell far short of fulfilling the functions the colonial administration intended.

¹G.N.A., Accra, ADM.11/1420, Report on the Native Affairs Dept. 1930.

²Ibid.

CHAPTER FOURTHE CHALLENGE TO THE POLITICAL LEADERSHIP
OF THE CHIEFS, 1930-1951: THE CHIEFS AND
POLITICAL, EDUCATIONAL AND SOCIAL CHANGES

The period from 1925 to 1950 could perhaps best be called the era of the Provincial Councils of the Paramount Chiefs. These Councils, as we have seen in the previous chapter, were essentially designed to accord prominence to the Paramount Chiefs while at the same time reducing to a minimum the influence of the educated elite on the political leadership of the Country. The Paramount Chiefs were regarded by the colonial administration as the "natural rulers" and "true representatives" of the people. They were given new powers, they were "honoured" and "knighted" and were expected to inherit the British colonial power when self-government was achieved. The Paramount Chiefs of the Provincial Councils did not, however, play the role the colonial administration wanted of them.

In the last chapter we discussed the Africans' initial response to the introduction of the Provincial Councils system and the Government's attempt to strengthen the authority of the chiefs. In this chapter the continuing challenge for the political leadership of the Paramount Chiefs during the 1930s and the 1940s by different social forces will be examined.

As during the 1920s so during the 1930s, the first challenge to the chiefs' political authority came from the educated elite or the intelligentsia.¹ Because of their education and economic resources,

¹For the general characteristics of the educated elite see K. E. de Graft Johnson, "The Evolution of Elites in Ghana", in P. C. Lloyd (ed.), The New Elites of Tropical Africa, Oxford, 1966.

the educated elite considered themselves destined to the political leadership of the Country. They maintained that the majority of the chiefs were illiterate and thus, not only were they incompetent to manage the affairs of the people in modern times, but most importantly, they were also easy tools in the hands of the colonial administration, and so they retarded the political development of the Country.¹ The educated elite did not want the chiefs to take any part in politics. As we have described in the previous chapter, naturally the educated elite strongly opposed the introduction of the Provincial Councils system. A reconciliation was made between the two groups in 1929 but, as Kimble correctly noted, this did not mean abrogation of the claim made by the educated elite to national leadership.² In fact, the Cape Coast parent section of the A.R.P.S. disapproved of the reconciliation. In short, the nationalist movement remained disunited in spite of the 1929 reconciliation. In 1930, Dr. J. B. Danquah attempted to remedy this by forming the Gold Coast Youth Conference.

Joseph Kwame Kyeretwi Boakye Danquah was born in 1895.³ At the age of seventeen he completed his primary education at the Basel Mission Grammar School at Begoro. After leaving school he was employed in 1913 at the office of V. J. Buckle, a barrister-at-law in Accra. The next year he was appointed a clerk in the Chief Registrar's office of the Supreme Court. Between 1915 and 1921 he acted as Secretary and Registrar of the tribunal of his elder brother, Ofori Atta, the Omanhene of Akim Abuakwa. His first involvement in the national movement was in 1921 when he represented Akim Abuakwa State at the Cape

¹For example, J. B. Christensen, "African Political Systems: Indirect Rule and Democratic Process", in Phylon, XV, 1, 1954, 69-83.

²Kimble, A Political History of Ghana, Oxford 1963, 505.

³The following brief biographical account of J. B. Danquah comes mainly from: J. B. Danquah, Historic Speeches and Writings on Ghana, Accra (N.D.), compiled by H. K. Akyeampong; West Africa, 24.9.1926 and

Coast conference of the A.R.P.S.

Towards the end of 1921 he left for England and in January 1923, he entered University College, London. In July 1923, he passed the Intermediate Examination in Arts. At the sessional examination 1923-24, he was awarded a first class certificate in general introduction to philosophy and in Greek philosophy and a first class certificate with the prize in Modern Philosophy and Ethics. In June 1925, he passed his B.A. examination with second class honours in philosophy. In July 1926, he was elected by the Assembly of Faculties, at University College, as a John Stuart Mill Scholar in Philosophy of Mind and Logic. The annual value of the scholarship was £35 and the holder might be called upon to assist in teaching. This enabled him to proceed with his studies and in 1927, he obtained his Ph.D. degree. The title of his thesis was "The Moral End as Moral Excellence".

While he was studying for his B.A. he took up the study of law as an external student. He passed the LL.B. degree examination in 1926 and was called to the Bar during the same year. At the same time Danquah was very active in the political and social life of the West African students in Britain. He was, for example a founder of the West African Students Union of Great Britain and Ireland, generally called "WASU".

In 1927 he returned home after a successful academic career in London. The next year he published his first two books, Akan Laws and Customs (his best known book), and Cases in Akan Law. In 1930, he founded the Youth Conference and the next year he founded and edited the Times of West Africa, a daily newspaper which became increasingly outspoken against the colonial administration. In 1934 an official of the Colonial Office described it as "notorious for its venomous

and scurrilous attitude towards Government and the European race generally." ¹

In 1934 Danquah was back in London as the Secretary of the Gold Coast and Ashanti Delegation which came to London to protest against the Sedition Bill and the Waterworks Ordinance. He stayed in London until 1936 researching at the British Museum and writing about the Gold Coast's history and institutions.

Back in the Gold Coast he tried to revive the Youth Conference. In 1946 he was elected to the Legislative Council. In 1947 he founded the U.G.C.C. The story of his life after 1951 is outside the scope of this study and it is sufficient to say only that he became the outstanding opponent of Nkrumah. He died in 1965 in one of Nkrumah's detention camps.

Politically Danquah was distinguished from the majority, if not all, of the intelligentsia by advocating giving the chiefs a prominent role in the political leadership of the Country. Perhaps a somewhat accurate description of Danquah the politician was that given by West Africa in a profile of him in 1949. West Africa stated:

Danquah is no radical, barely, indeed, a liberal. For Danquah is a conservative, conservative almost to the point of reaction. True he believes in democracy, but a democracy guided and led by the chiefs.

He is for the old order. Of course, he believes in Africa for the Africans - what good African in the Gold Coast does not? - but you feel that if Danquah has his way it will be an Africa ruled by its aristocrats and its great families. 2

Although Danquah generally supported the chiefs, he did not completely see eye-to-eye with them. His years in London as a student and as leader in WASU endowed him, as Holmes noted, with a certain, though limited, degree of anti-colonialism. ³ He maintained a consistently

1.1.1949; and A. B. Holmes IV, "Economic and Political Organisations in the Gold Coast, 1920-45", a Ph.D. thesis, University of Chicago, 1972.

¹P.R.O., C.O.96.717/21750, Minute of 23.6.1934.

²West Africa, 1.1.1949.

³A.B. Holmes IV, op.cit.

critical but not radical or anti-imperialist attitude.¹ In spite of this stance, he was widely disliked by the colonial administration. In 1934, for example, an official of the Colonial Office described him as "pronouncedly anti-white and anti-Government".²

Having given a brief biographical sketch of Danquah, we can now describe his efforts to effect a reconciliation between the Paramount Chiefs and the intelligentsia of the A.R.P.S.

When Danquah returned from London in 1927, the struggle for "dominance and survival",³ to use Jones-Quartey's phrase, between the Paramount Chiefs and the intelligentsia was at its height. Danquah made it his prime political objective to resolve this cleavage between the two groups. He stated:

I believed in chiefdomship and democracy. The intelligentsia believed in democracy. I thought the chiefs and intelligentsia could come together. I did not think we could get anywhere by destroying the chiefdoms.⁴

Accordingly, Danquah founded in 1930 the Gold Coast Youth Conference with the aim of uniting the chiefs with the intelligentsia and fostering development by bringing all the various groups together to a round table Conference to discuss matters affecting the welfare of the Country.⁵ The Conference counted several Paramount Chiefs, including Premph I and Ofori Atta, as its patrons. Apart from being addressed by some Paramount Chiefs and members of the intelligentsia, the Conference did not achieve anything. In fact, the Conference did not reconvene until 1938.

¹Ibid.

²P.R.O.,C.O.96.717/21750, Notes on the members of the Gold Coast and Ashanti Delegation of 1934, dated 28.6.1934.

³K. A. B. Jones-Quartey, A Summary History of the Ghana Press, 1822-1960, Accra, 1974, 19.

⁴West Africa, 1.1.1949.

⁵The Gold Coast Independent, 1.2.1930.

Danquah attributed the decline of the Conference to the fact that the Continuation Committee set up to carry the Conference from year to year had no adequate machinery for disseminating the policy for which the Conference stood.¹ This could only partly explain the decline of the Conference. Danquah himself was not, in fact, the suitable person to reconcile the chiefs with the intelligentsia. Not only was he closely associated with his elder brother, Ofori Atta, the leader of the chiefs, but unlike the majority of the intelligentsia, even since his London days, he had clearly come out in defence of the Provincial Councils system and the N.A.O.² Perhaps his views on the N.A.O. were best expressed in a letter he wrote to the two-members delegation of the A.R.P.S. in London in 1934. In this letter he stated:

I had often wondered when I heard people criticising the N.A.O. as a great evil, and condemning the revival (for it was no less than that) of the State Councils, whether they knew what they were talking about, or that they were merely echoing, like parrots, the cry of the lawyers who felt that by strengthening the State Councils, their practice had thereby been diminished.... I consider the N.A.O. as the Magna Carta of the Akan people, and I am sure history will prove me right. 3

Whatever the reason, Danquah's first attempt to reconcile the Paramount Chiefs with the intelligentsia failed. The Cape Coast section of the A.R.P.S., now under the leadership of Kobina Sekyi, continued to oppose the Provincial Councils system.

William Esume-Gwira Sekyi was born in 1892 at Cape Coast where he attended the Mfantshipim Boys' School.⁴ In 1910 he entered the University College, London, and took his B.A. in Philosophy in 1913. He

¹J. B. Danquah, Historic Speeches, 66.

²For example, West Africa, 2.1.1926.

³G.N.A., Cape Coast, ACC., No. 75/64 (A.R.P.S.'s papers), letter of 7.6.1935 from J. B. Danquah to G. Moore and S. R. Wood.

⁴The following biographical account of Kobina Sekyi is mainly compiled from: J. A. Langley, "Modernisation and its Malcontents: Kobina Sekyi of Ghana and the Re-Statement of African Political Theory, 1892-1956", in Political Theory and Ideology in African Society, proceedings of a seminar held in the Centre of African Studies, University of Edinburgh,

returned to Cape Coast and between 1913 and 1915 he worked there as a teacher. In 1915 he left again for London where he took his Masters degree in Philosophy and at the same time qualified for the Bar at the Inner Temple. Soon after his return to Cape Coast in 1918, he became the secretary of the Gold Coast section of the N.C.B.W.A.

As J. A. Langley noted, although Kobina Sekyi was not a revolutionary socialist but a traditionalist functioning within the legalistic-constitutional politics of the A.R.P.S., perhaps of all the Gold Coast nationalists during the inter-war period, he was the most uncompromising with the colonial administration.¹ He was distinguished for his "extreme Africanism"² and he strongly believed in the value and necessity of strengthening the indigenous customary institutions.³ He believed this could best be achieved if the chiefs disassociated themselves from the colonial Government and its alien political institutions. It was because he felt that the Provincial Councils and the Native Administration Ordinance were calculated to undermine the indigenous institutions and to introduce undesirable western political

27th and 28th Feb., 1970; K. A. B. Jones-Quartey, "Kobina Sekyi: A Fragment of Biography", in Research Review, vol.4, No.1, 1967.

¹J. A. Langley, ibid.

²K. A. B. Jones-Quartey, op.cit.

³For example, Magnus Sampson said of him: "Mr. Sekyi was a keen exponent of native institutions and as a conservative he had strong belief in chiefship as an institution to be cherished and preserved as the background and culture of this Country." M. Sampson, "Kobina Sekyi As I Knew Him", in G.N.A., Cape Coast, Seky's Papers.

institutions, that he vigorously opposed them.¹ True to his uncompromising nature, he refused to join Casely-Hayford in his reconciliation with the Paramount Chiefs. Instead, Sekyi led the Cape Coast section of the A.R.P.S. in its fight against the Provincial Councils system and the colonial Government.

Although by the early 1930s the A.R.P.S. was deserted by most of its chiefs, Sekyi refused to liquidate it. He was very determined to prove to the Government that it (the A.R.P.S.) and not the Provincial Councils, was in fact the political or national body representing the Country. The Society assumed an attitude of complete non-cooperation towards the Government and in particular played an active role in irritating and disrupting the Government's Indirect Rule policies such as the proposed Native Administration Revenue Bill of 1931.²

Sekyi himself was very involved in the rural politics of the Oguaa State (Cape Coast). Partly because of his influence and support, the Oguaa State declined until 1943 to join the Provincial Council of the Central Province. Sekyi also championed the cause of several sub-chiefs who wanted to become independent of their Paramount Chiefs. For example, he was the legal adviser of the chiefs of Asamankese and Akwatia in their protracted struggle to gain independence from their Paramount Chief, Ofori Atta, the father of the Provincial Councils system.³

¹J. A. Langley, op.cit.

²For more details see chapter six below.

³For more details see chapter eight below.

The Society took advantage of the 1930-32 agitation against the Government's proposed taxation scheme to renew its attack on the Provincial Councils system. In May 1931, Sekyi began a series of articles in the Gold Coast Times in which he critically dealt with such issues as: (1) the 1919 protest of the African clerks in the civil service against the then Colonial Secretary, Sir Ransford Slater (at the time Sekyi was writing these articles Slater was the Governor of the Gold Coast); (2) the petition of the N.C.B.W.A.; (3) the petition of the A.R.P.S. against the 1925 constitution and the protest of the Society against the N.A.O.; and (4) the Gold Coast and Ashanti Cocoa Federation ban against the sale of cocoa and the purchase of luxuries.¹ Sekyi's aim in writing these articles was to expose some of the oppressive and repressive methods of the colonial administration in neutralising or breaking up certain African nationalist movements and protest actions.

In February 1932, the Society took the step of inviting Governor Slater to a conference for the discussion of matters concerning "peace, order and good Government of the Country", furnishing him with a list of eighteen topics which it wanted to discuss with him.² This list covered such issues as the nature and extent of the British jurisdiction, the relationship of the chiefs to the Government, the 1925 constitution, the stool treasuries system, education, etc.³

¹These articles were written under the title "On Some Recent Movements in West Africa." The first article appeared in the issue of the Gold Coast Times of 9.5.1931.

²P.R.O., C.O.96.704/7258, letter of 16.2.1932 from J. P. Brown to the Commissioner of the Central Province; and letter of 22.2.1932 from Brown to the AG, C.S., Accra.

³Ibid.

Governor Slater had committed himself to the Provincial Councils system and was very annoyed by the A.R.P.S.'s persistent opposition to such a system. Sekyi's above mentioned articles in the Gold Coast Times, in which he attacked some of Slater's own policies, must have further convinced him that action must be taken against the A.R.P.S. The invitation of the Society gave him the opportunity to undermine it officially. So Slater not only declined the invitation of the Society but told J. P. Brown, the Society's president, that,

The Government does not recognise your Society as the medium of communication between Government and the chiefs and people, the Provincial Councils having been established for that purpose. ¹

This reply was given "wide publication" by the Government and the Governor hoped that this

will have a marked effect in still further weakening the Society's rapidly dwindling influence, but if its end does not soon come about naturally early consideration will have to be given to other means, as its disloyal tendencies are becoming more and more marked. ²

Far from destroying the A.R.P.S. the reply of the Governor, in fact, gained the Society the sympathy and support of most of the press. For example, the Times of West Africa, owned and edited by Danquah who was himself not unsympathetic to the Provincial Councils system, strongly maintained that the Government was wrong in its decision not to recognise the A.R.P.S. ³ The Times argued that the Society was an indigenous body, created by the people themselves, while the Provincial Councils by contrast were "Statutory bodies set up by an Order in Council and eventually embodied in the N.A.O. as an instrument of Government in this Country. They are, in every respect,

¹P.R.O.,C.O.96.704/7258, letter of 21.3.1932 from C. E. Skene, Commissioner of the Central Province, to J. P. Brown.

²P.R.O.,C.O.96.704/7259, despatch of 2.4.1932 from Slater to Sir P. Cunliffe-Lister.

³The Times of West Africa, 12.4.1932, editorial entitled "The Aborigines and the Government."

official bodies." ¹

The Gold Coast Independent, at the time the chief organ of the intelligentsia, took the opportunity of "August Fifth" 1933, on which the A.R.P.S. celebrated the occasion of "August Fifth" 1898 when the Secretary of State met the Society's successful delegation against the 1897 Lands Bill to pay its tribute to the Society. ² The Independent held that:

Whatever sense of security is enjoyed in the right of ownership to the lands of this Country, it is to the A.R.P.S. that we are indebted. Of late years it has been sought chiefly through the agency of the Government to substitute another body, that is the Provincial Councils, for this veteran body which had urged three sanguinary conflicts over certain rights of the people of this Country and every time emerged victorious. ³

By and large the Society's cause was greatly boosted, even if for a short time. In addition the Society continued to maintain its role in disturbing and spoiling the Government's Indirect Rule policies in the rural areas, particularly in the Central Province. Whenever there was a suitable chance, the A.R.P.S. would hold meetings with the people and the Asafo companies and urge them to put pressure on their Paramount Chiefs to withdraw from the Provincial Councils.

Meanwhile, besides the A.R.P.S. opposition, the political authority of the Paramount Chiefs was facing new threats. A very serious threat or challenge to the political role of the Paramount Chiefs during the 1930s came from the press. The press in the Gold Coast, and elsewhere in British West Africa for that matter, was almost exclusively in the hands of the African educated elite: lawyers, doctors, clergymen, etc. ⁴

¹Ibid.

²The Gold Coast Independent, 5.8.1933.

³Ibid.

⁴For example, Martin Wight, The Gold Coast Legislative Council, London 1947, 169.

It was the most potent instrument used in the propagation of nationalist ideas and racial consciousness and thus performed a crucial role in the nationalist awakening.¹ It was sometimes claimed that in the absence of representative government, the newspapers were in fact the voice of the people.

In the Gold Coast, the 1930s witnessed a new era in the history of the press. Professor Jones-Quartey stated that "the short span between 1930 and 1937 was the most turbulent and most exciting in the history of the Gold Coast press up to then."²

Several new newspapers were founded during this period. The Times of West Africa was founded (and edited) by Danquah in 1931. The Gold Coast Observer started in 1932 and was owned by C. H. Hayfron Benjamin. The African Morning Post, which came to be accepted as a "quite revolutionary departure in local journalism", was started in 1934.³ It was owned by A. J. Ocansey, a wealthy businessman from Ada in the Eastern Region, and was edited by Dr. N. Azikiwe. In short, for the first time, the daily newspaper became an established feature in the life of the Country. Other important newspapers which were in existence before 1930 were the Gold Coast Independent, founded in 1918 by Dr. F. V. Nanka-Bruce and edited by D. G. Tackie; the Gold Coast Times; the Vox-Populi; and the Gold Coast Spectator, owned by A. J. Ocansey and edited by T. K. Orgle, an Accra lawyer. The latter two were usually considered of a radical nature.

¹S. K. B. Asante, "The West African Response to the Italo-Ethiopian Crisis, 1934-1942", a Ph.D. thesis, London University, 1972.

²K. A. B. Jones-Quartey, A Summary History of the Ghana Press, 1822-1960, Accra 1974, 21.

³Ibid, 22.

The circulation of these papers can be seen from the following table:

| Name of Newspaper | Circulation 1933 | Circulation 1934 | Circulation 1935 | Circulation 1936 | Circulation 1937 | Circulation 1938 |
|------------------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| The Gold Coast Independent, (Accra, Weekly) | 1995 | 2450 | 2240 | 2100 | 1000 | 1500 |
| The Gold Coast Spectator, (Accra Weekly) | 2800 | 2900/3000 | 2900/3000 | 2500 | 2500 | |
| The Gold Coast Times, (Cape Coast, Weekly) | 550 | 550 | 550 | 400 | 800/1000 | |
| The Vox-Populi, (Accra, Bi-Weekly) | 1000/1500 | 1000/1500 | 2000/2500 | 2000/2500 | 2000/2500 | 2000/2500 |
| The Times of West Africa, (Accra, Daily) | 1390 | | | | | |
| The African Morning Post, (Accra, Daily) | | | 7500 | 7500 | 7200 | 7200 |
| The Echo, (Daily) | | | 1000 | 1600 | 1000 | 2000 |

Newspapers and Circulation, 1933-38
(Reference: Government Blue Books)

It must be noted that the circulation figures were no real guide to the newspapers' full influence as each copy was passed about from hand to hand. They were not only read by the literate but were also read aloud to the illiterate. Trying to justify more control by the Government over the press, Governor S. Thomas complained:

The local press is harmful to the Country. It is the illiterate who are affected most, and young semi-educated men. They have the paper read to them and lap all they hear. 1

Moreover, not only were the papers actually more widely circulated than the circulation figures showed, the belief that anything which appeared in print must be true was universal.

As we have seen in the previous chapter, with the one exception of the Vox-Populi, all the newspapers spoke strongly against the introduction of the Provincial Councils and the N.A.O. During 1928 and 1929, the press attack on the Provincial Councils slowed down but in the 1930s it was strongly renewed. For example, in 1930, the Gold Coast Times, in an editorial entitled "The Disorder in the Native States", maintained that the Provincial Councils and the Native Administration Ordinance had proved to be "disturbing factors in the native affairs of the Country" and that they were responsible for the "tension and violent agitation" which had prevailed in the States.² It went on to describe the N.A.O. as:

¹P.R.O., C.O. 96.714/21630, despatch of 27.2.1934 from Shenton Thomas to A. Fiddian.

²The Gold Coast Times, 8.2.1930.

A measure drafted by a few self-seeking and ambitious chiefs, who have no real love for their Country, with the support of an Administration which was using them as factors in a political adventure for the extension of British dominion at the expense of the ancient rights and privileges of the people of this Country.... The Native Administration Ordinance is a challenge to the sovereignty of the people in that it introduces the dangerous principle that the chiefs can on their own initiative impose what laws they like upon their people; and our people must take up the challenge in all seriousness. 1

In conclusion the Gold Coast Times asked for the withdrawal of the N.A.O. and the Provincial Councils.

About two months later, the Gold Coast Times referred to the "moral and material damage" caused by the 1925 constitution and its by-products, the Provincial Councils and the N.A.O. 2 The Times argued that the Government was steadily removing the restraints imposed upon the Paramount Chiefs under the indigenous democratic institutions. 3 It went on to state:

The object of the Government in introducing these proposals [the Provincial Councils and the N.A.O.] is to secure certain interests which will enable it to increase its hold on the Country and to exploit it far more profitably in the interests of the British race than is the case now.... The constitutional proposals were designed to further the policy of divide and rule which is the only means in these enlightened days by which the Government can subdue this Country, which it now occupies by virtue of the Bond of 1844, and introduce here the conditions existing in East and South Africa. 4

The Vox-Populi, which in 1927 welcomed the introduction of the Provincial Councils changed its stand five years later. In 1932 the Vox-Populi described the system of Indirect Rule which the Government was trying to introduce as "completely foreign, undesirable, and incompatible with the sentiment and system of the land ..." 5

¹Ibid.

²The Gold Coast Times, 3.2.1930.

³Ibid.

⁴Ibid.

⁵The Vox-Populi, 22.6.1932.

Besides the general opposition to the Provincial Councils system and the N.A.O., the press also objected to specific Indirect Rule policies. For example, the Government proposed taxation scheme of 1931-32 was strongly attacked in the press and intense pressure was brought to bear on the chiefs to condemn the scheme as well.¹ Moreover, the stool disputes were given wide coverage in the newspapers. Almost in every issue of every paper in the 1930s there was a story of a stool dispute. Invariably the press blamed the Provincial Councils system for the dramatic increase in the number of stool disputes and destoolments. Dissident subordinate chiefs were usually supported by the press in their conflicts with their Paramount Chiefs and their cases were sympathetically dealt with. By contrast, the Paramount Chiefs were continually portrayed in the press as acquiring new powers over their subordinate chiefs and their people and as increasingly becoming mere tools in the hands of the colonial administration. Naturally the Paramount Chiefs were alarmed. For example, in 1934, their leader, Ofori Atta, "spoke disparagingly of how the chiefs of this Country were put to ridicule by the press and the Spectator figured conspicuously."²

Understandably the Government was annoyed by the hostility and the press attacks directed towards the Paramount Chiefs and its Indirect Rule policies in general. In January, 1933, H. S. Newlands, the retired Chief Commissioner of Ashanti, wrote officially to the Colonial Office putting forward his views on how to control the press in the Gold Coast.³ He urged that the law affecting the publication of the newspapers in the Gold Coast should be amended with the view of giving the Government more control "before the minds of the people are

¹See chapter six below.

²G.N.A., Accra, ACC.802/56, Minute of the Joint Committee of J.P.C., dated 12.3.1934.

³P.R.O., C.O.96.707/1613, conf.despatch of 5.1.1933 from H. S. Newlands to the Under Secretary of State.

poisoned." ¹ He made it clear that more Government control over the press was needed because,

... leading articles invariably consist of unfavourable criticism of the Government, its officers (and the manner in which they discharge their duties), of native authorities, of the Town Councils and of any other constituted authority. 2

On the whole the Governor agreed with Newlands' views and hurriedly prepared a bill with the view of providing for effective control of the press. ³ This was the "Newspapers, Books, and Printing Press Bill of 1934", which was generally referred to as the Press Bill. ⁴ The law affecting newspapers in the Gold Coast was regulated by the "Newspaper Registration Ordinance of 1894" which purported to do no more than to require (a) the registration of each newspaper and (b) the notification of the names and addresses of the proprietors and printers.

The Press Bill of 1934, however, provided that besides giving the usual particulars such as the name and address of the newspaper, the proprietor was required to give and register in the office of the Colonial Secretary a bond of £200. ⁵ This was designed to meet any penalties imposed upon the proprietor, printer, editor or publisher. The bond was also to be used to pay any damages which might be awarded in any action for libel instituted against the newspaper. ⁶

¹Ibid.

²Ibid. , my emphasis.

³P.R.O., C.O. 96.707/1613, conf.despatch of 26.5.1933 from Shenton Thomas to Sir P. Cunliffe-Lister.

⁴P.R.O., C.O. 96.724/21630, "The Newspaper, Books and Printing Press Bill, 1934", enclosure in conf.despatch of 20.1.1934 from Deputy Governor to Sir P. Cunliffe-Lister.

⁵Ibid.

⁶Ibid.

The Bill also gave power to compel the proprietor of a newspaper to publish free of charge, corrections or statements, with no omission, when required to do so by the Government.¹ Finally, the Bill made provisions for a reserve power exercisable by the Court to suspend a newspaper when any person had been convicted of publishing a seditious or other libelous article.² By and large the Bill, even in the opinion of the Colonial Office, was of a "special and rather drastic" kind.³

Before publishing the Press Bill the Government decided to deal first with another matter which was closely connected with the control of the press; namely, that of the control of imported books, newspapers, and other documents which the Government considered of a subversive nature and "from which local editors are in the habit of quoting."⁴ The Government decided to deal with this issue by amending the Criminal Code. The Criminal Code (Amendment) Ordinance of 1934, better known as the Sedition Bill, empowered the Government to prohibit the importation of newspapers, books, pamphlets, etc., which it considered seditious.⁵ The Sedition Bill also made it an offence to reproduce seditious or prohibited documents, and an offence for any person to be in possession of seditious material.⁶

¹Ibid.

²Ibid.

³P.R.O., C.O.96.714/21630, Minute of 26.2.1934 by A. Fiddian.

⁴P.R.O., C.O.96.714/21630, conf.despatch of 20.1.1934, from Deputy Governor to Sir P. Cunliffe-Lister.

⁵P.R.O., C.O.96.716/21729, "The Criminal Code Amendment Ordinance, No. 21 of 1934", enclosure in conf.despatch of 4.4.1934 from Shenton Thomas to Sir P. Cunliffe-Lister.

⁶Ibid.

The Sedition Bill, which was originally seen as "auxiliary" to the Press Bill, was published in February 1934, and passed the next month. The Press Bill on the other hand was never published. This was because the publication of the Sedition Bill, which in fact was at first mistaken by the press for the Press Bill (the news of its drafting had leaked out) together with the publication of another unpopular Ordinance, namely, the Waterworks Ordinance of 1934, which imposed direct taxation on the inhabitants of Accra, Cape Coast and Sekondi, sparked a strong and united opposition to the Government. ¹ As a result of this opposition, the Government decided to postpone the introduction of the Press Bill. ² The Governor explained:

The local papers are already sufficiently excited, though without cause, over the Criminal Code Amendment Bill, and it would be a pity to give them ground for complaining that legislation which affects them had been produced at the last moment. ³

Although one of the main reasons for drafting the Press Bill was because of the criticism and attack of the press on the chiefs, and although neither the Waterworks Ordinance nor the Sedition Bill directly affected the chiefs, the chiefs still took an active and positive role in the agitation against the 1934 Ordinances. One reason was that since the press, the Asafo companies, the "youngmen" and the intelligentsia all unitedly opposed the 1934 measures, the chiefs found themselves under strong popular pressure and had no choice but to join in the agitation. The chiefs knew if they defied the united opinion of their people, they would run the risk of being destooled.

¹For the protest against the Sedition Bill see, for example, P.R.O.,C.O. 716/21729; and for the protest against the Waterworks Ordinance see P.R.O.,C.O.96.714/21656.

²P.R.O.,C.O.96.714/21630, conf.despatch of 9.3.1934 from Shenton Thomas to Sir P. Cunliffe-Lister. In fact it was not until 1951 that the law regulating the press was amended.

³Ibid.

As an example of the pressure put on the chiefs to join in the opposition to the 1934 measures, the Vox-Populi, in an editorial entitled "Friendly and Unfriendly Chiefs", warned the chiefs about the Government's distinction between chiefs; those supporting it were friendly and those who were thinking with their people and nation were unfriendly. ¹ The Vox-Populi urged the chiefs to act in the "existing crisis" as real nationalists and patriots. ² Equally the Gold Coast Independent and the Times of West Africa appealed to the chiefs to join the people in the agitation against "the most oppressive legislation since the Lands Bills." ³

Perhaps another reason why the chiefs took an active role in the 1934 agitation was that the Government made the mistake of publishing at the time of the Sedition Bill, the "Forced or Compulsory Labour Bill". This Bill was intended to give statutory effect to the Convention concerning the abolishment of forced or compulsory labour which was adopted by the International Labour Conference at Geneva in June 1930, and was approved by the U.K. Government in May 1931. ⁴ In the main the Bill deprived the chiefs of their former practice of mobilising the people to work without paying them.

Naturally the chiefs objected to the Bill. The Provincial Council of the Eastern Province, for example, unanimously agreed that the provisions of the Bill were "so onerous and in parts so strange" to the Gold Coast conditions. ⁵ Ofori Atta strongly argued against the Bill

¹The Vox-Populi, 24.2.1934.

²Ibid.

³The Gold Coast Independent, 10.2.1934, editorial entitled "Muzzling the press of the Gold Coast"; The Times of West Africa, 13.2.1934.

⁴Leg.Co.Debates, 1934.

⁵The Times of West Africa, 6.3.1934.

when it came up for discussion in the Legislative Council and maintained that the "customary services" given by the people to their chiefs were not really forced labour. ¹

A final reason why the chiefs took an active role in the 1934 agitation was perhaps that the Paramount Chiefs, considering themselves, and not the intelligentsia, the leaders of the people, did not want the intelligentsia to take all the credit in leading the Country against what were obviously unpopular ordinances.

Mass meetings, petitions, articles in the press, etc., having all failed to convince the Government to withdraw the 1934 measures (except of course the postponement of the Press Bill) the Gold Coast nationalists, true to their tradition, thought that the next logical step was to send a deputation to London. However the A.R.P.S. still considering the Provincial Councils as unconstitutional and illegal and claiming to be itself the sole representative body for the Country would not agree to join the Paramount Chiefs in one deputation. A Committee of Reconciliation, with Danquah as its most active member, was constituted to reconcile the Society with the chiefs. This failed, however, and the Paramount Chiefs allied with the intelligentsia of Accra, Sekondi and Kumasi formed themselves into a "Central National Committee" (C.N.C.) and decided to send their own deputation. ² Ofori Atta was chosen to lead this deputation of "men of moderate views". Danquah was the Secretary of the deputation.

¹Leg.Co.Debates, 1934.

²It is outside the scope of this study to discuss in detail the formation of the C.N.C. delegation, the collection of its funds, its personnel, its various memoranda, its meeting with the S. of S., etc. Detailed information on such aspects of the delegation could be found in: Sessional Paper, No. XI of 1934, "Papers relating to the Petition of the Delegation from the Gold Colony and Ashanti"; P.R.O., C.O. 96. 717/21750(1-4); P.R.O., C.O. 96. 718/21756 to 21764; West Africa, 30. 6.1934, 28.7.1934, 11.8.1934 and 1.9.1934; Chin-Pao, The Gold Coast Delegations to Britain in 1934: The Political Background, Taiwan, Republic of China, 1970.

The Cape Coast A.R.P.S. supported by the "militant" nationalists, Wallace-Johnson and Azikiwe, both newly arrived in the Gold Coast, and the radical press sent its own deputation. George Moore, the Tufehene of Oguaa state and a strong opponent of the Provincial Councils system was chosen by the A.R.P.S. to lead its deputation.¹

The claims of the two deputations were not very different. Besides asking for withdrawal of the 1934 measures, both deputations took the opportunity to ask for constitutional reforms and drew attention to various grievances encountered by the people. The difference was not on the concessions to be asked for from the colonial administration but on the question of political leadership. The deputation of the C.N.C. claimed in its petition that it was the representative of the "Paramount Chiefs, and people of the Gold Coast and Ashanti".² The A.R.P.S. also asked in its petition to be acknowledged as the "sole political organization entitled to represent the Country on all matters affecting interests of aboriginal inhabitants."³ Further, the Society claimed that the C.N.C. was in no way representative of views of Africans generally and that most of the Paramount Chiefs who supported the C.N.C. did not have the support of their people.⁴

By and large, as a policy of "divide and rule" the Provincial Councils system seemed to be working successfully. The division in

¹Detailed information on the A.R.P.S.'s delegation could be found in P.R.O.,C.O.96.718/21752; and P.R.O.,C.O.96.723/31135. Also Sam Rhodie, "The Gold Coast Aborigines Abroad", in J.A.H.vol.VI.No.3,1965, 389-411.

²Sessional Paper, No.XI of 1934, ibid.

³P.R.O.,C.O.96.718/21752, Telegram of 30.6.1934 to Sir P. Cunliffe-Lister.

⁴P.R.O.,C.O.96.718/21752, letter of 11.7.1934 from Sydney Redfren and Co. (the A.R.P.S.'s solicitors) to the Under Secretary of State.

the nationalist movement in fact encouraged the Colonial Office to make no concessions to either of the deputations. Both deputations failed in their mission and none of their major demands was met by the Colonial Office. The leadership of both the chiefs and the intelligentsia suffered a setback. The time seemed ripe for the emergence of a new type of leadership.

By the mid 1930s a new threat or challenge to the political leadership of both the chiefs and the intelligentsia was in fact clearly emerging; namely that of the educated commoners, generally referred to as the "youngmen". Their emergence was the result of the expansion of western education. Since the early 1920s there was a great demand for western education in the Gold Coast.

Foster pointed to three important factors explaining the increased demand for education: (1) the establishment of effective European overrule, which created an administrative structure within which posts were available to educated Africans and which gave opportunities for the latter to displace; (2) the creation of opportunities within an occupational structure dominated by European commercial enterprises, particularly in the coastal areas; (3) the enlargement of the exchange sector through the development of cash-crop economies within rural areas which introduced increasing fluidity within traditional structure themselves.¹

The African demand for education found an outlet in Guggisberg's policy of expansion in education, especially the establishment of Achimota. The result was that by the mid-1930s there were thousands

¹P. Foster, Education and Social Change in Ghana, London 1971 (third impression), 128.

of school-leavers.¹ These were employed as clerks, teachers, cocoa-brokers, shopkeepers, etc.

The Indirect Rule system refused to reconcile itself to this social change and completely excluded the "youngmen" from a share in the exercise of power. It was one of the contradictions of the Indirect Rule theories that while advocating a policy of educating Africans and even employing some of them in its civil service, the colonial administration insisted that its aim was to preserve and protect the indigenous institutions from the "disturbing influence" of western education and western civilization.²

Naturally the "youngmen" resented the colonial policy of turning the balance of power in favour of the chiefs. Like the intelligentsia before them, the "youngmen" argued that education and economic growth had given them a new status in the society and hence they should also have a share in the political power. Like the intelligentsia they also believed that the chiefs, being illiterate, were thus unfit for political leadership.

The discontent of the "youngmen" was expressed in their opposition to the authority of the chiefs, particularly the Paramount Chiefs, and to specific Indirect Rule policies. The "youngmen", for example,

¹Ibid., 113 (table 3).

²For example, P.R.O., C.O. 96.645, conf. despatch of 4.3.1923 from Guggisberg to J. H. Thomas; P.R.O., C.O. 96.693/6599 "Native Administration in the Gold Coast and its Dependencies", a conf. Minute of 16.12.1929 by Governor Slater; and P.R.O., C.O. 96.730/31228/1936, conf. despatch of 31.8.1936 from Arnold Hodson to W. A. Ormsby-Gore.

frequently accused the chiefs of maladministration of the stool revenues. During the 1930s this had become the cause of several destoolments. They were also active in the agitation against the Government-proposed taxation scheme of 1931-32 and against the 1934 bills.¹ The Governor complained that during the 1934 agitation the "youngmen" exercised strong pressure against the chiefs.² He added,

The discontented section of the population is, as usual, the most clamant and includes many of the younger generation who have some education and are prone, as elsewhere, to be critical of any form of government not their own. It is this minority which uses press agitation to impose its will on the chiefs and to instruct them to vote.

3

Unlike the intelligentsia the "youngmen" had not lost their contact with the rural areas. Some of them in fact continued to live there. Their influence in the rural politics was considerable. For example, they read the newspapers to their illiterate fellows, wrote their petitions, organised their meetings and demonstrations, etc.

Until 1934 the protest of the "youngmen" remained sporadic and unorganised. The self-seeking intelligentsia, busy enhancing their own political and economic position, paid no attention to the grievances of the "youngmen". However, the arrival of Wallace-Johnson in the Gold Coast at the end of 1933 gave the "youngmen" both leadership and an organised political movement.

I. T. A. Wallace-Johnson was born of poor Creole parents in 1895

¹See chapter six below.

²P.R.O., C.O. 96.716/21729, conf. despatch of 4.4.1934 from Shenton Thomas to Sir P. Cunliffe-Lister.

³Ibid.

in Sierra Leone.¹ In 1913 he took his first job in the Customs Department as a Temporary Outdoor Officer. A year after joining the Department, he became involved in a strike for better pay and working conditions. Between 1915 and 1920 he worked in the Sierra Leone Carrier Corps, which accompanied the British Infantry in its campaign in Cameroons, East Africa and the Middle East. In 1920 he returned home and took a variety of jobs. In 1926 he went to sea as a clerk on a ship sailing between America and South Africa. In 1930 he went to Nigeria, where he assisted in establishing the Nigerian Workers' Union.

In July 1926, he participated in the First International Trade Union Conference of Negro Workers held in Hamburg under the auspices of the Communist Party. He then wrote articles and became a member of the editorial body of the Negro Worker which was launched by the Hamburg Conference. The Worker called for a well-planned and united action by the Black workers. Under the auspices of the International Trade Union Committee of Negro Workers, he embarked on a tour of Europe after the Hamburg Conference. He then attended the International Labour and Defence Congress in Moscow, where he remained for perhaps as long as eighteen months. In Moscow he claimed that he undertook a course of instruction at the People's University of the East, which specialised in training colonial students in Marxist-Leninist theory.

¹The following brief biographical account of Wallace-Johnson is mainly compiled from: Wallace-Johnson's Papers at the Institute of African Studies, University of Ghana, Legon; James Hooker, Black Revolutionary, New York 1967; J. S. Coleman, Nigeria: Background to Nationalism, Berkeley, California, 1958; Leo Spitzer and La Ray Denzer, "I.T. A. Wallace-Johnson and the West African Youth League", in The International Journal of African Historical Studies, vol.6.No.3.1973, 413-452, and vol. 6.No.4.1973, 565-601.

Wallace-Johnson returned to Freetown in 1933 and after a short time, he left for Nigeria. However in August 1933, he was deported on account of his trade union activities.¹ He went from there to the Gold Coast. Arriving at the time of the Sedition Bill, Wallace-Johnson took advantage of the situation to mobilise the youth against the "old leadership" of the Paramount Chiefs and the intelligentsia. He allied himself with the A.R.P.S. in its fight against the Provincial Councils system. Governor Shenton Thomas was even convinced that Wallace-Johnson had "certainly instigated and has probably directed the attack" against the Sedition Bill.²

Radical political tendencies received a further boost when N. Azikiwe, after a successful academic career in America, arrived in the Gold Coast in November 1934. Although not in complete agreement with Wallace-Johnson, they both believed in the philosophy of a "New Africa" and were thus able to enter into a political partnership. This philosophy of "New Africa" was explained in detail by Azikiwe in his Renascent Africa, published in 1937. His five components of this philosophy were: spiritual balance; social regeneration; economic determinism; mental emancipation; ^{and} national risorgimento.³ The objective of this philosophy was to shift political initiative out of the hands of the conservative-minded leadership of the Paramount Chiefs and the intelligentsia into the hands of the younger, militant and more

¹ S. K. B. Asante, op.cit., claimed that Wallace-Johnson was not deported from Nigeria because of political and trade union activities but he was prompted to move to the Gold Coast by the Ashanti Mines Workers' strike of 1933.

² P.R.O., C.O. 714/21630, despatch of 27.2.1934 from Shenton Thomas to A. Fiddian.

³ N. Azikiwe, Renascent Africa, London 1968 (first published 1937). For a brief explanation and description of the background to Azikiwe's philosophy of New Africa, see Michael J. C. Echeruo, "Nnamdi Azikiwe and Nineteenth-Century Nigerian Thought", in Journal of Modern African Studies, vol. 12, No. 2, 1974, 245-263.

spirited elements. ¹

The political activities of Wallace-Johnson and the writings of Azikiwe in the African Morning Post resulted in the foundation of the "West African Youth League" (W.A.Y.L.) in June 1935. Wallace-Johnson was its organising secretary. The W.A.Y.L. was the first effective mass-oriented political movement in the Gold Coast and was unquestionably the most uncompromisingly anti-colonialist movement of all the political organisations during the 1930s. Unlike the political movements of the intelligentsia, the League was on the whole concerned with the complete transformation of the colonial system rather than its gradual reform. ² Its motto was "Liberty or Death". The League drew its membership from the "youngmen", trade unions, literary societies, ex-servicemen and an effort was made to engage the Muslim communities. Chief Al Haji Alli of the Hausa community of Accra was one of the League's patrons. ³

Wallace-Johnson and his W.A.Y.L. persistently opposed the system of Indirect Rule and considered the Provincial Councils to be the principal measure by which colonial officials kept their grip on the Country. At its first meeting, the W.A.Y.L. passed a resolution against the Provincial Councils system describing it as being,

In direct contravention to the native customs and usages of the inhabitants of the Country which prohibits chiefs from making laws for the government of the people ... ⁴

The resolution called on the Government to consider the advisability of discontinuing the policy of appointing chiefs to the Legislative Council. ⁵

¹Leo Spitzer and La Ray Denzer, "I.T.A. Wallace-Johnson and the West African Youth League", in The International Journal of African Historical Studies, vol.6.No.3.1974.

²S. K. B. Asante, op.cit.

³Wallace-Johnson's Papers.

⁴Ibid.

⁵Ibid.

The most positive action of Wallace-Johnson and his League against Indirect Rule took place during the campaign against the Levy Bill. This was passed by the Government in 1936 to empower the chiefs to impose levies on their people. The League held several meetings in the rural areas and tried to obtain written statements from the State Councils that were against the measure.¹ Wallace-Johnson claimed that due to his activities, some of the states passed resolutions against the measure and that some of the Paramount Chiefs were destooled by their people for supporting it.² He also telegraphed the Secretary of State, J. H. Thomas, protesting against the measure and asked for its withdrawal.³ Governor Hodson, who was becoming impatient with the political activities of Wallace-Johnson and his League, hurriedly informed the Secretary of State not to pay any attention to the protest of the League and added, "as you are aware this body [the League] is entirely irresponsible".⁴

However, Wallace-Johnson was not deterred by the ineffectiveness of his telegram to the Secretary of State and more than once he wrote to the Secretary of the League Against Imperialism in London asking him to exert pressure on the Colonial Office.⁵ He also won the

¹P.R.O., C.O.96.727/31096/1A, extract from a letter dated 30.5.1936 from Wallace-Johnson to the Secretary of the League Against Imperialism.

²Ibid.

³P.R.O., C.O.96.728/31134, telegram No.53 of 11.4.1936 from the Secretary of the League Against Imperialism to the S.of S.

⁴P.R.O., C.O.96.728/31134, despatch of 10.4.1936 from Arnold Hodson to J. H. Thomas.

⁵P.R.O., C.O.96.728/31134, Wallace-Johnson correspondence with the Secretary of the League Against Imperialism.

support of Miss Eleanor Rathbone, Labour M.P., who asked the Secretary of State in the House of Commons whether the people of the Gold Coast had been consulted on the Bill before it was passed in the Legislative Council. ¹

In addition, whenever there was an agitation against any of the big Paramount Chiefs, Wallace-Johnson allied with the opposed forces of those Chiefs. For example, he strongly supported the subordinate chiefs of Asamangkese and Akwatia in their dispute with their Paramount Chief, Ofori Atta. ² The League even passed a resolution in support of the two subordinate chiefs. He also supported the Fiaga of Agbosome (Volta Region) who had been demanding independence from the Awuna Stool since 1921. ³

The Paramount Chiefs, the intelligentsia and the Government were all alarmed by Wallace-Johnson's and Azikiwe's activities. The Paramount Chiefs were concerned that Wallace-Johnson and Azikiwe were inciting the "youngmen" against them. Predictably Ofori Atta led the counter attack of the chiefs against Wallace-Johnson and Azikiwe. During the Legislative Council session of 1936, Ofori Atta maintained that:

We have heard so much of a "new Africa" coming to birth. The protagonists of the New Africa are spreading doctrines which can only tend to cause trouble in this Country.... But if the youth of the Country are to be taught and educated to disrespect and to show open contempt to their chiefs and Elders and leading public men with whose views or whose persons those 'teachers' [Wallace-Johnson and Azikiwe] are not in agreement, or for whom ⁴ they have an animosity, then it is a real danger.

¹Parliamentary Debates, 1935-36 (fifth series), vol. 311, 30.

²For more details on Wallace-Johnson's involvement in the "Asamangkese case" see chapter eight below.

³Wallace-Johnson's Papers.

⁴Leg.Co.Debates, 1936.

Following this, the Provincial Council of the Eastern Province, apparently under the influence of its President, Ofori Atta, resolved:

1. That for a considerable time now this Country had had the misfortune to suffer great inconveniences, losses, wrongs and other acts calculated to do physical and moral damage to the people, from "strangers or Africans not native to the Gold Coast";
2. That events had shown that it was most unsafe for the well-being of the Gold Coast to continue to tolerate undesirable conduct of "Africans not native to the Gold Coast";
3. That laws be made whereby any "non-native African of the Gold Coast" whose conduct was noticed and proved to be undesirable, provoking dissension or creating an attitude of disrespect in the youth of the Country could be ordered away from the Gold Coast.

1

Although not mentioned by name, it was clear that the undesirable "strangers" against whom these resolutions were passed and whom the Paramount Chiefs were anxious to see deported from the Country were Wallace-Johnson and Azikiwe.

The "conservative" and "moderate" elements of the intelligentsia expressed their resentment of the political activities of the W.A.Y.L. in their chief newspaper, the Gold Coast Independent. For example, in an article dated July 1935, the Independent reminded Wallace-Johnson and his League that politics was not the right business and aim of the youth.² The Independent added that politics was the business of the highly educated elite who had assumed the "toga virilis".³ Finally, the Independent referred to Wallace-Johnson as a "jobless extremist", a "foreigner", and it asked him to leave the Gold Coast.⁴

¹ G.N.A., Accra, ACC.805/56, minute of the 23rd session of the Provincial Council of the Eastern Province, 2.4.1936.

² The Gold Coast Independent, 20.7.1935.

³ Ibid.

⁴ Ibid.

Understandably the Government, like the Paramount Chiefs and the intelligentsia, was also alarmed by Wallace-Johnson's political activities. As early as January 1936, Governor Hodson wrote to the Colonial Office:

I do wish you could suggest some plan whereby I could get rid of Wallace-Johnson. He is in the employ of the Bolsheviks and is doing a certain amount of harm by getting hold of the young men for his 'youth League'. He just keeps within the law, but only just. At many of his meetings he says outrageous and criminal things but the law officers tell me it is almost impossible to get a conviction on the spoken word. There is something wrong in our constitution which allows these sort of people to be at large. The French would not tolerate it for one second. 1

An opportunity presented itself in May 1936, for the Colonial Government to act against both Wallace-Johnson and Azikiwe. In its issue of the 15th May, 1936, the African Morning Post, edited by Azikiwe, published an article by Wallace-Johnson entitled "Has the African a God" in which he condemned European civilisation and imperialism.² The article also criticised specific Ordinances passed by the Gold Coast Government, namely the Sedition Bill, the Forced Labour Ordinance of 1935 and the Asamanghese (Regulation) Ordinance of 1935.³

Wallace-Johnson and Azikiwe were arrested on the charge of sedition. They were the first two Africans to be tried under the Sedition Bill of 1934; a Bill which Wallace-Johnson had bitterly opposed. He was convicted and fined £50. Azikiwe was also fined £50 or six months imprisonment. Later, the West African Court of Appeal quashed the judgement against Azikiwe. In 1937 Wallace-Johnson left the Gold Coast in order to press his case for an appeal to the Privy

¹P.R.O.,C.O.96.731/31230, extract from a letter dated 14.1.1936 from Arnold Hodson to Sir Cecil Bottomley.

²The African Morning Post, 15.5.1936.

³Ibid.

Council in London. Azikiwe also left the Gold Coast for his home Country, Nigeria. After their departure the W.A.Y.L. disintegrated rapidly and crumbled. The grievances of the "youngmen" continued unabated until the post-war period. Nkrumah, as we shall see later in this chapter, exploited these grievances.

Although the W.A.Y.L. failed to capture the political initiative from the "old leadership", it still completely changed the base of politics in the Gold Coast. No longer was the political scene dominated only by the Paramount Chiefs and the intelligentsia. The "youngmen" had come to stay as a third contender on the political scene. A decade later, they would found and achieve their long-awaited chance to assume political power.

Nonetheless, the activities of Wallace-Johnson and Azikiwe and the W.A.Y.L. had their immediate results too. Both the colonial officials and the chiefs came to realise more fully than at any time before that western education was becoming a serious threat to the prestige and authority of the chiefs.

The Colonial Office took the initiative in offering a solution to this problem of education versus the authority of the chiefs. In May 1936, the Secretary of State, J. H. Thomas, pointed out that unless early steps were taken to provide opportunities for the educated classes to participate in the work of local government in association with the chiefs, it was doubtful whether the chiefs would long be able to command the respect and obedience of their people.¹ The Secretary of State was also anxious that the Government should find special measures to raise the educational standard of the chiefs and

¹P.R.O., C.O. 96.730/31228, despatch of 15.5.1936 from J. H. Thomas to Arnold Hodson.

other potential stool heirs. ¹

In July 1936, the Secretary for Native Affairs took the opportunity of addressing the Joint Provincial Council to press the argument of the Secretary of State on the chiefs. ² The Secretary for Native Affairs told the Paramount Chiefs assembling that:

The number of these educated young men is increasing year by year and if the chiefs and their elders are to continue to be representatives of their people and their recognised leaders it is absolutely necessary that they should recognise the importance of this educated section of the community and consider ³ their views and their interests.

The Joint Provincial Council responded quickly. The Council met and discussed the question of "Education of Heirs-Apparent to Stools" and agreed that should there be peace at all in the states, the stool occupants should be educated. ⁴ The Council agreed to appoint a Committee to study the subject and report back to it. It was also resolved that each member of the Joint Provincial Councils should, to the best of his ability, stimulate the interests of the "youngmen" in his state by including them in the various stool councils. ⁵

Gradually the chiefs came to realise that education is indispensable for the functions of a chief and a tendency grew to elect the literate chiefs, particularly Paramount Chiefs. By 1944, ^{the} six Paramount Chiefs on the Legislative Council had a considerable amount of education. Some states actually passed by-laws prohibiting any one who was

¹Ibid.

²G.N.A., Cape Coast, ACC.338/65, minute of the Joint session of the Provincial Councils held at Dodowa on 20.7.1936.

³Ibid.

⁴Ibid.

⁵Ibid.

illiterate from occupying a stool.¹ This was because, as Fortes noted in the case of Ashanti, the literate chiefs were felt to be better able to cope with the pressures and initiatives emanating from government and the whole environment of modern conditions.² It was therefore as much a self-protective reaction of a society in transition as a "progressive" move. The chiefs also offered the educated members of their communities places on the stools councils.

However, the effect of all this should not be exaggerated. Although there was a growing tendency for the literate to supersede the illiterate, the majority of the chiefs were still illiterate. Again it should be noted that the role given to the educated forces was very subordinate. For example, although the 1925 Constitution was amended in 1940 to make non-chiefs eligible for membership of the Provincial Councils, this provision turned out to be paperwork.³ Throughout the history of the Provincial Councils, no non-Paramount Chief ever became a member of these Councils. All the Paramount Chiefs and the Government were ready to concede was that the educated forces be allowed to take part in the deliberations of the stools councils. They were given no share in the policy-making. The Govern-

¹ Rhodes House Library, Mss.Brit.Emp.S., 365, Box 80, (Fabian Colonial Bureau Papers) conf.report dated 24.1.1944 and entitled "Education and Native Administration on the Gold Coast", by the S.N.A., H. Thomas.

² Rhodes House Library, Oxford, 600.18.s.vol.1, M. Fortes, Preliminary Report on Ashanti Social Survey, 1946.

³ J. H. S. Frimpong, "The Joint Provincial Council of Paramount Chiefs and the Politics of Independence in the Gold Coast (Ghana), 1946-1958", M.A. thesis, University of Ghana, 1966; also, "the Joint Provincial Council of the Chiefs and the Politics of Independence, 1946-1958, in T.H.S.G.vol.XIV, No.1, June 1973. 79-91.

ment and the Paramount Chiefs failed to realise that the educated forces not only wanted a say in the local administration, but, more importantly, they also wanted a say in the central administration.

Meanwhile Wallace-Johnson and Azikiwe having left the country, Danquah thought the time was ripe to try once again to reconcile the Paramount Chiefs and the "moderate" and "conservative" elements of the intelligentsia and to bring them into closer cooperation.¹ For this he revived the Youth Conference in 1938. Representatives of the Conference were summoned to a special meeting with some of the leading Paramount Chiefs at Winneba "in preparation for reconciliation of any outstanding differences between chiefs and people".²

It was resolved to establish a national fund and the chiefs were made responsible for taking all necessary steps to make the operation of such a fund possible. Danquah even hoped that the Paramount Chiefs would be willing to turn the Joint Provincial Council into a "Central National Council" to be composed of both chiefs and intelligentsia.³ This Council, Danquah hoped, would then prepare the country for self-government.

The contact with the chiefs continued and Ofori Atta called the intelligentsia into several consultations with chiefs at meetings held at his residence in Accra.⁴ The cooperation between the chiefs and the intelligentsia was pushed a step further when in 1942 an amendment to the 1925 Constitution made it possible for the Joint Provincial Council to elect non-chiefs to the Legislative Council.

¹J. B. Danquah, Historic Speeches, 72.

²Ibid., 70-71.

³J. B. Danquah, Self-Help and Expansion: A Review of the Work and Aims of the Youth Conference, with a Statement of its Policy for 1947, and the Action consequent upon that Policy, Accra, 1943, 23.

⁴J. B. Danquah, Historic Speeches, 71.

The climax of the cooperation between the chiefs and the intelligentsia was the preparation, by the Youth Conference, at the invitation of the chiefs, of a 400 page memorandum entitled "Things to change in the Gold Coast".¹ This memorandum "touched on all aspects of the Country's life and government".² Upon the basis of recommendations made in this memorandum, the Joint Provincial Council set up a Committee which prepared another memorandum containing the demands of both the chiefs and the intelligentsia for constitutional reforms.³ This memorandum which asked for an unofficial majority on the Legislative Council was submitted to the Secretary of State, Oliver Stanley, when he visited the Gold Coast in 1943. By and large, during the War period, the chiefs and the intelligentsia managed to work together in close agreement and harmony.

The Government did not meet all the constitutional demands made by the chiefs and the intelligentsia but nevertheless the Burns Constitution of 1946 was seen at the time of its publication as a big step towards self-government. For the first time the Constitution provided for an elected majority on the Legislative Council. For the first time too Ashanti was included with the Colony in the legislature. Under the Burns Constitution the Legislative Council consisted of a President; six ex-officio members; eighteen elected members of whom nine were elected by the Joint Provincial Council and five were elected by the Municipalities of Accra, Cape Coast, Sekondi, and Kumasi; and

¹Ibid., 72.

²Ibid.

³P.R.O., C.O. 96.782, Memo. of the J.P.C. of the Gold Coast Colony and the Confederacy of Ashanti together with African Unofficial members of the Leg.Co., 1943.

six members were nominated by the Governor.¹ Thus, the Burns Constitution, like that of Guggisberg's before it, gave the Paramount Chiefs considerable representation in contrast to the intelligentsia. The Constitution also gave statutory recognition to the Joint Provincial Council.

The intelligentsia hoped, however, that, after the above-mentioned 1942 amendment of the 1925 Constitution, the Paramount Chiefs would elect some of them to the Legislative Council. The Paramount Chiefs had in fact promised to do this. But when the elections were held to elect the representatives of the Joint Provincial Council, only two of the intelligentsia (Danquah and Rev. C. Baeta) were successful. The intelligentsia were disappointed whilst the Paramount Chiefs asserted that giving two seats to non-chiefs was a good enough gesture "to dispose the allegation that the chiefs [were] selfish [and] unwilling to co-operate with ... the intelligentsia".² The traditional conflict over the question of political leadership came to the surface once again, and once more Danquah had to try and unite the two groups.

Danquah, in fact, lost no time and immediately after the election of 1946 he began holding meetings and consultations to bring the chiefs and the intelligentsia into a common platform.³ The result was the foundation of the United Gold Coast Convention (U.G.C.C.) in 1947 with its objective of ensuring by "all legitimate and constitutional means the direction and control of government should pass into the hands of

¹For example, G. E. Metcalfe, Great Britain and Ghana: Documents of Ghana History, 1807-1957, London, 1964, 681-682.

²Minute of the J.P.C., Dec., 1946.

³J. B. Danquah, Historic Speeches, 77-78.

the people and their chiefs in the shortest possible time." ¹

It was towards the end of 1947 that the U.G.C.C. invited Kwame Nkrumah, then in London, to be its full time General Secretary. Nkrumah accepted after some hesitation and returned to the Gold Coast after twelve years abroad. When he returned to the Gold Coast he was no newcomer to politics. Wide reading, a single-minded devotion to the idea of African independence, first-hand knowledge of left-wing organisations and his experience at the Manchester Pan-African Congress of 1945, had given him an insight into politics.

Apart from this, his return to the Gold Coast was at an opportune moment; the nationalist movements in Burma, Ceylon and India were having great successes. World War II had also brought a major re-orientation of the domestic politics in Britain and a fundamental change in the colonial outlook. ² In the Gold Coast itself there was an increasing atmosphere of discontent due to the rise in the cost of living, exacerbated by the ex-servicemen, who, having seen better material standards of life abroad, felt that the post-war hardships were a malicious colonial plan to inhibit the development of the Gold Coast. ³ Finally, the expansion of roads, transport, and communications helped to create a climate of change and expectancy. In short, the time was ripe for an effective leader to emerge and Nkrumah had the expertise to use the events and situation of the post-war to aid his cause.

¹ Ibid.

² A. R. Zolberg, Creating Political Order, Chicago, 1966, 13.

³ For example, D. Austin, Politics in Ghana, 1946-1960, Oxford, 1970 (first edition 1964), chapter 1.

In January 1948, the discontent of the people of the Gold Coast came to a head. There was an anti-inflation campaign, led by Nii Kwabena, an Accra sub-ehief, which culminated in a boycott of European goods, followed by a demonstration by the ex-servicemen which resulted in rioting and shooting.¹ The "Big Six" of the U.G.C.C. including Nkrumah were arrested by the Government for being responsible for these events.

None of them were in fact responsible, but Nkrumah was quick to sense the political significance of the 1948 events and to embrace the cause of the people. Fortunately for him, following the riots and shootings of 1948, the Paramount Chiefs and the intelligentsia of the U.G.C.C. condemned the introduction of the "element of violence" into the Gold Coast and asserted their loyalty to the British Government. The Joint Provincial Council sent a telegram to "His Majesty" condemning "this disorderliness as totally unconstitutional" and reaffirmed its "unstinted support to the Gold Coast Government in its ... successful efforts to restore order".² Nkrumah alone supported the cause of the people and as such he was heralded as their hero.

The Government appointed a Commission under the chairmanship of Aiken Watson, to enquire into the events of 1948 and their underlying causes and also "to make recommendations on any matter arising from their enquiry".³ So besides enquiring into the underlying causes of

¹Ibid.

²J. H. S. Frimpong, "The Joint Provincial Council of Paramount Chiefs and the Politics of Independence in the Gold Coast (Ghana), 1946-1958," M.A. thesis, University of Ghana, 1966.

³Colonial No.231: Report of the Commission of Enquiry into the Disturbances in the Gold Coast, 1948. (Hereafter referred to as Watson Commission's Report)

the 1948 events, the Watson Commission made proposals which it recommended as a basis for constitutional reform. It described the two-year old Burns Constitution as "outmoded at birth" and called for a substantial measure of constitutional reform.¹

With regard to the Government's policy of Indirect Rule, the Commission called for some "radical changes" and, as Metcalfe noted, it disregarded, almost completely, the chiefs and the indigenous institutions as having any part to play in self-governing Gold Coast.² It maintained:

While for ourselves we are unable to envisage the growth of commercialisation in the Gold Coast with the retention of native institutions, save in a form which is a pale historical reflection of the past, we do not think we are called upon to make any immediate recommendation for the solution of a matter upon which Africans themselves are not in agreement. Our sole concern is to see that in any new constitutional development there is such modification as will prevent existing institutions standing in the way of general political organisation.³

Obviously, Aiken Watson and the members of his Commission, who knew little, if anything, about Africa, were not just out of touch with the Colonial Office's views, but they were also out of touch with opinion in the Gold Coast where, as will be explained later, chieftaincy was still cherished.

Understandably, the Commission's views were not welcomed by the British Government which had always maintained that the best way of training the people in the art of self-government was to give them the

¹Ibid., 24-30.

²G. E. Metcalfe, Great Britain and Ghana, 680.

³Watson Commission's Report, 25-26.

opportunity of learning it through the "Native Authorities" system. Thus the British Government issued a statement in which, among other things, it rejected the views of the Watson Commission in respect of the 1946 Constitution and the role of the chiefs in the Country's future political life.¹ The statement asserted that, while agreeing with the importance of modernising the "Native Authorities", the British Government,

... regard the chiefs as having an essential part to play. In general, the chiefs in the Gold Coast are the traditional leaders of the people. Their functions in regard to local administration are based upon popular support; and the transfer or delegation of any of their functions would require popular sanction, since the position of the chiefs affects the whole system of relationships on which Community life is traditionally₂ based.

Although refuting the views of the Watson Commission on the 1946 Constitution and the political role of the chiefs, the Government still agreed, in the face of the prevailing demands for constitutional reforms, to appoint, in 1949, a Committee to consider the constitutional proposals made by the Watson Commission and to make recommendations for a new constitution.³ This was an all African Committee under the chairmanship of Mr. Justice J. H. Coussey. The Committee was composed of Paramount Chiefs and members of the intelligentsia, including the leaders of the U.G.C.C. The Committee, in fact, had strong representation from the Paramount Chiefs. It included the following: (1) Nana Ofori Atta II; (2) Nana Sir Tsibu Darku IX; (3) Nene Azu Mate Kole; (4) Nana Amanfi III; (5) Nana Kwame Gyebi Ababio; and (6) Nana Adjay Brown.⁴

¹Statement by His Majesty's Government on the Report of the Commission of Enquiry into Disturbances in the Gold Coast.

²Ibid.

³Report to His Excellency the Governor by the Committee on Constitutional Reform, London 1949 (hereafter referred to as the Coussey Committee's Report).

⁴Ibid.

Nkrumah was not, however, invited and this proved to be to his advantage. While the other leaders of the U.G.C.C. were busy in the meetings of the Coussey Committee, Nkrumah was free to act within the Convention and using the local youth societies he formed the Committee on Youth Organisation (C.Y.O.).¹ The C.Y.O., although founded and functioning within the U.G.C.C., looked to Nkrumah for leadership and in fact formed the basis of his C.P.P. when he broke away from the U.G.C.C.

Both chiefs and intelligentsia were concerned that Nkrumah was gradually becoming a menace to their political leadership. Just as in the 1930s, when they had opposed and attacked Wallace-Johnson for introducing mass agitation into the Country's politics and for mobilising the youth against them, they were now, in the late 1940s, repeating the same argument against Nkrumah. The Paramount Chiefs of the Indirect Rule system brought up under the belief that they would inherit the mantle of British rule, were determined not to allow a newcomer to challenge them when things were just beginning to sway quickly towards self-government.

Thus, when Nkrumah founded the C.P.P. in 1949, the Joint Provincial Council, under the leadership of Ofori Atta II and Nana Sir Tsibu Darku IX, was among its first opponents. Less than two weeks after the inauguration of the C.P.P. the Joint Provincial Council met and issued a statement asserting that:

- (1) the Joint Provincial Council was deeply concerned with the prevailing disorderliness in the Country;
- (2) such behaviour had never been a feature of the national life of the Gold Coast which had been one of peace and harmony;

¹Kwame Nkrumah, The Autobiography of Kwame Nkrumah, London 1965 (first published in 1957), 79.

- (3) the Country's political life in the past had been fought with characteristic constitutional methods;
- (4) the Joint Provincial Council wanted to make it clear that only by constitutional means would it be possible for the Country to reach the goal of her aspirations. ¹

Meanwhile, the Coussey Committee published its report. It proposed a form of semi-responsible Government, an executive council of three ex-officio and eight representative ministers, and a nationally elected assembly. The Governor retained reserve powers. With regard to the structure of the legislature the Committee was divided almost equally as to whether it should be a bicameral or unicameral legislature. ² However the Government approved of a unicameral system, where two thirds were elected on a popular franchise, and one third elected by the territorial Councils of Chiefs. It should also be noted that the Coussey Committee, unlike the Watson Commission before it, asserted the importance of the political role of the chiefs. It held,

... contrary to the view expressed in the Watson Report, we believe that there is still a place for the chiefs in a new constitutional set-up.... The whole institution of chieftaincy is so closely bound up with the life of our communities that ³ its disappearance would spell disaster....

Nkrumah labelled the Coussey Committee's report as "bogus and fraudulent" and began to talk of the need for "Positive Action", by which he meant "the adoption of all legitimate and constitutional means by which we could attack the forces of imperialism in this

¹ G.N.A., Accra, C.S.O.119.S.F.4., "Statement on Disorderliness in the Gold Coast", dated 24.6.1949, by the J.P.C.

² The Coussey Committee's Report.

³ Ibid.

in this Country".¹ Legitimate political agitation, newspaper and educational campaigns were to be the main weapons, along with and only as a last resort, the constitutional application of strikes, boycotts and non-cooperation, based on the principle of absolute non-violence, as used by Ghandi in India.² On 6th January, 1950, the T.U.C., enforcing Nkrumah's policy of positive action, declared a general strike which nonetheless, resulted in violence.

The Government reacted by declaring a state of emergency. And the Joint Provincial Council deplored "the grave disorders and acts of violence ... which a political group has brought about by its so-called weapon of "Positive Action"."³

The Joint Provincial Council also resolved that the strike was illegal and unjustified and declared its support for the action of the Government in restoring peace and order.⁴ The Provincial members also supported the three bills which were hurriedly introduced into the Legislative Council, namely the Criminal Code (Amendment) Ordinance, 1950, the Curfew Ordinance, 1950, and the Newspapers Regulations (Amendment) Ordinance, 1950.⁵

Although describing the Coussey Constitution as "bogus and fraudulent", Nkrumah still agreed to run for election under it. The result of the 1951 election indicated an overwhelming victory for the C.P.P.

¹Kwame Nkrumah, Autobiography, 92.

²Ibid., 12.

³Statement by the J.P.C. on Positive Action; also Leg.Co.Debates, 1950.

⁴Ibid.

⁵Leg.Co.Debates, 1950.

It emerged as the only party with appreciable public support.

Nkrumah accepted the Governor's offer to be the Leader of Government Business.

But what were the factors and who were the people behind the rise of the C.P.P.? D. E. Apter held that the "youngmen" or "standard VII boys" played the most prominent role in the rise of the C.P.P.¹ He argued that these "youngmen" had emerged after World War II as a new grouping having common social and psychological frontiers. They were now organised and numerous. They had a goal - self-government; they had a devil - British Imperialism; they found a god - Kwame Nkrumah;² Apter concluded that the membership of the C.P.P. was primarily drawn from these standard VII boys.

Dennis Austin also portrayed the political conflict of 1949 as having "many characteristics of class struggle" when the term included not only economic criteria but education and a traditionally derived commoner social status.³ Like Apter, he argued that it was a new class of educated commoners which enabled the C.P.P. to spread so quickly after 1949; the youth societies became branches and the malcontents party secretaries.⁴ These "educated commoners", Austin

¹D. Apter, Ghana in Transition, Princeton paperback, ed. 1972 (first ed. 1955), 165-174.

²Ibid.

³D. Austin, Politics in Ghana, Oxford, 1970 (first published 1964), 13-18.

⁴Ibid., 27.

explained, cohered after World War II as a distinct social group. They were primary school teachers, clerks, petty-traders, storekeepers, many of them hardly employable. These educated commoners were also persistent opponents of the "Native Authority" system which offered them no outlet for their energies.¹ It was from this social group of elementary school leavers, Austin concluded, that the C.P.P. emerged.

Both Apter and Austin seem to have overestimated the role of the "youngmen" in the rise of the C.P.P. It seems rather difficult to treat the anti-chieftaincy sentiment and behaviour among the Gold Coast commoners as a class struggle. Against the existence of a class struggle in the Gold Coast in the late 1940s, one can point to, following J. Kraus, the persistence and existence of traditional relationships in society and politics between people of widely differing life styles and levels of wealth, education and occupation.² This could, and still can be seen in Ghana as well as in many other African countries. The breakdown in social solidarity was not total, as Apter and Austin have tried to show. Links of kingship, local patriotism, and ethnicity helped to draw commoners and chiefs into local cooperation.³ And, in any case, the "youngmen" were not, as Apter and Austin want us to believe, a new group who came into prominence after World War II. The "youngmen" had been active in the country's political life since the 1930s.

¹Ibid., 18-28.

²J. Kraus, "On the Politics of Nationalism and Social Change in Ghana", in Journal of Modern African Studies, VII, I, 1965, 113.

³Ibid., 114.

But although the rise of the C.P.P. was not a clear-cut "class struggle" in the Marxist sense, still the role of the primary and middle school leavers was important and cannot be ignored. These "youngmen" had, as we have seen, since the 1930s, political and economic grievances which they wanted to see solved. The system of Indirect Rule, however, failed to give them any major share in the political power and its economic opportunities. Thus driven away by the system of Indirect Rule into their own societies and organisations, these "youngmen" provided an environment for a leader to emerge and solve their grievances. Nkrumah was quick to realise the far-reaching political consequences of the grievances of these "youngmen" and he and his field organisers kept reiterating that "the people want their grievances redressed".¹ Besides, Nkrumah was able to give the "youngmen" a slogan: SELF-GOVERNMENT NOW: FREEDOM: FORWARD EVER, BACKWARD NEVER: SEEK YE FIRST THE POLITICAL KINGDOM AND EVERYTHING SHALL BE ADDED TO IT. Furthermore, Nkrumah was a capable organiser: he was charming and he possessed the tremendous ability of oratory.² He was also a hard worker and toured nearly the whole country in his campaigning.

All these abilities of Nkrumah's, rather than anything else, contributed to the rise of the C.P.P. Many joined, not only the "youngmen" but also the farmers, the trade unionists, market-women, taxi-drivers and anyone who could follow the leader shouting "FREEDOM" with a good voice. But it must be noted that although the C.P.P. succeeded in acquiring a large membership, it was not what one would call a mass party in the sense of mobilising large numbers of people and bringing them into the political arena as politically conscious participants.³

¹ Quoted in Maxwell Owusu, Uses and Abuses of Political Power, Princeton, 1970, 196.

² For example, T. P. Omari, Kwame Nkrumah, London 1970.

³ R. Fitch and M. Oppenheimer, Ghana: End of Illusion, New York 1970, 107.

The C.P.P. was not a revolutionary or essentially anti-chiefs party. The Gold Coast under Nkrumah and his C.P.P. advanced to independence by carefully planned stages, marked by periodic constitutional revisions. There was no preaching of class warfare, no resort to armed collective defence, no suggestion of independence outside the Commonwealth.¹ The attitude of Nkrumah himself towards the chiefs was very ambivalent. During the early years of the C.P.P., when the Joint Provincial Council clearly came against him, Nkrumah threatened the chiefs "to leave their sandals". However, once in office, his policy was to manipulate rather than to abolish chieftaincy. The role of the chiefs was recognised in both the Independence and the Republican Constitutions. This ambivalence towards the chiefs was noted by David Brokensha who explained that,

The ambivalence stemmed from the C.P.P. on the one hand regarding chieftaincy as an outmoded institution that hampered plans for socialism and modernisation, while on the other hand there was a sentimental regard for traditional customs. Nkrumah reflected this attitude when he allowed himself to be enstooled as chief² of his home area in Nzima, in 1960.

By and large, instead of abolishing chieftaincy, Nkrumah, inconsistent with his claims to "radicalism", "socialism", and "marxism", presumed himself to be the "Paramount Chief" of Ghana; he acquired chiefly titles, usually appearing in traditional dresses and the drums beat when he made his appearance.³ At his instalation as President

¹B.D.G. Folson, "The Development of Socialist Ideology in Ghana, 1949-1959", in Ghana Social Science Journal, vol.1, No.1, 1971.

²D. Brokensha, "The Resilient Chieftaincy at Larteh, Ghana", in M. Crowder and O. Ikime (eds.), West African Chiefs, University of Ife Press, 1970, 402.

³J. Mohan, "Nkrumah and Nkrumaism", in the Socialist Register, 1967.

of the Republic of Ghana the British symbols of the earlier parliament were replaced by those of Ghana: the Akan-type throne, the traditional sword instead of the orb and sceptre, and royal linguists as his escort.¹ In fact between 1962 and 1966 it looked as if authority was going to be "traditionalised" rather than "socialised".

¹P. C. Lloyd (ed.), The New Elites of Tropical Africa, Oxford, 1966, 35.

CHAPTER FIVETHE JUDICIAL AND EXECUTIVE
STATUS AND POWERS OF THE CHIEFS

As we have described in chapters two and three, until 1927, the colonial Government was primarily concerned with "utilizing and regulating" the judicial powers of the chiefs and very little, if any, was done to regulate their executive, administrative or fiscal powers. In 1927 the Government enacted the Native Administration Ordinance. In spite of its name, however, the Native Administration Ordinance concerned itself very little with regulating the administrative or executive powers of the chiefs. The only specific executive powers given to the chiefs under the Native Administration Ordinance were those of "a conservator of peace, and of preventing or suppressing riots, affrays, and tumults of every description".¹ Of course, the Paramount Chiefs could - as they used to under the Native Jurisdiction Ordinance of 1883 - make by-laws. This was, however, subject to the approval of the Governor and in any case it was, in the words of a Colonial Office official, "a cumbrous method of exercising executive powers".²

The Native Administration Ordinance was in fact a "native jurisdiction" Ordinance. It dealt mostly with "defining and regulating" the judicial and constitutional powers of the chiefs. It recognised five

¹Section 117 of the N.A.O., No. 18 of 1927.

²P.R.O., C.O. 96.730/31228, memorandum of 20.1.1936 by G. Creasy.

types of native tribunals, viz., the Odikro tribunal, the Ohene tribunal, the Omanhene tribunal, the State Council tribunal and the Provincial Council tribunal. ¹ They were empowered with limited civil and criminal jurisdiction according to their grade. ²

But even with regard to regulating the judicial powers of the chiefs, the Native Administration Ordinance was - if compared to similar Ordinances passed in Nigeria, for example, where an orthodox system of Indirect Rule had been adopted - a compromise and a limited measure. First, the old question of the inherent right of jurisdiction of the chiefs was left unresolved. The Ordinance avoided any explicit definition or commitment to the absolute sovereignty of the Crown. Moreover, the power to suspend or dismiss a chief, which was given to the Governor under the Native Jurisdiction Ordinance of 1883, was omitted.

Secondly, although the Ordinance defined and somewhat enlarged the judicial powers of the native tribunals, it did not provide any measure for their control. Apart from a prohibition of taking and receiving bribes or exacting fines and fees other than those authorised, the only control of the tribunals arose from the power of the Provincial Commissioner's court to stop the hearing of cases and transfer them to another native tribunal, a Provincial Commissioner's court or a division of the Supreme Court. ⁵

¹ Part VIII of the N.A.O., No.18 of 1927.

² Ibid.

³ Parts VIII and IX of the N.A.O., No.18 of 1927.

As a result of all this, the defects and abuses in the working of the native tribunals continued to prevail even after the passage of the Native Administration Ordinance. In fact, they continued to prevail until the Native Administration Ordinance was repealed in 1944. These defects and abuses could be briefly stated as thus:

1. The chiefs believed that they possessed judicial powers as inherent functions of their office and were thus entitled to maintain courts by reason of their election to chiefly office by their people. As a result, firstly, as the number of the chiefs was very large this led to the creation of a large number of native tribunals. Secondly, the judicial office became limited to the chiefs and their councillors who were both usually illiterate. The educated elements were, on the whole, excluded from the membership of the native tribunals;

2. The members of the native tribunals were compensated by sharing the fees and fines collected. Hence it was not surprising that maximum fines were almost invariably imposed, that costs were inflated by unnecessary adjournments, that frivolous litigation was encouraged and even fomented. In short, the native tribunals were regarded by their members as a source of revenue instead of a fount of justice;

3. Since the Native Administration Ordinance did not prescribe the maximum number of members of a native tribunal, it was not surprising that numerous persons sought to share court revenues; courts of fifteen to twenty members were not uncommon;

4. The Native Administration Ordinance, which the native tribunals were supposed to enforce, was comprised of 129 detailed and complicated clauses;

5. The Native Administration Ordinance did not describe fixed procedure for the native tribunals;

6. The standard of education and training of the registrars of the native tribunals, upon whom the working of the tribunals depended, was very low. The fundamental reason why qualified persons did not seek to be registrars was the uncertainty of the remuneration of registrars of tribunals. Neither the Native Jurisdiction Ordinance nor the Native Administration Ordinance provided for the registrars to be given regular salaries. In most of the tribunals, the pay of the staff depended on the fines and fees collected during the month and if these were insufficient the registrars went without. Because of the low standard of the registrars, which was itself a result of the uncertainty of their remuneration, it was not surprising that allegations against these registrars of bribe-taking, misinterpretation of the Native Administration Ordinance, and incorrect recording of official proceedings were very common. ¹

As a result of such limitations, it soon became clear to the colonial Government that the Native Administration Ordinance was inadequate for regulating the affairs of the stools. Although the Native Administration Ordinance together with the Provincial Councils, gave the Paramount Chiefs more voice at the centre and assured them of the Government's protection, their authority in their states continued to decline steadily and their relations with their people worsened.

¹ Mainly computed from: Report of the Native Tribunals Committee of Enquiry, 1943 (Blackall's Committee); Report of the Commission on Native Courts, 1951 (Korsah's Commission); Annual Reports of the Eastern, Central and Western Provinces; W. B. Harvey, Law and Social Change in Ghana, Princeton, 1966; Lord Hailey, Native Administration in the British African Territories, London, 1950, Part III.

This decline in the authority of the Paramount Chiefs at the local level was principally due to the fact that the Native Administration Ordinance failed to eradicate the corruption in the native tribunals or to adequately regulate the administrative and financial affairs of the stools.

Prompted by the limitations and the inadequacies of the Native Administration Ordinance, Governor Sir A. Ransford Slater decided to re-examine and re-assess the Government's "Native Administration" policy. Slater's ideas were contained in his Minute: Native Administration in the Gold Coast and its Dependencies which was printed in December 1929.¹ It is important to summarise the Minute here in detail because for the first time it committed the colonial Government to introducing in the Gold Coast a Lugardian model of Indirect Rule and it became until 1951 the yardstick by which both the successive Governors and the Colonial Office measured the successes and failures of such a system.

Slater explained that the object of his Minute was primarily to inform the political officers that his policy was,

Definitely to maintain and support native rule, and to that end to prepare the way for a more extensive delegation of power and authority to native rulers under due safeguards. In other words, the development of 'Indirect Rule' is the policy of the Gold Coast Government.²

Tracing the policy of his predecessors, Slater drew attention to the lack of a clearly defined policy in regard to "Native Administrations". He pointed out that although it had been the declared policy of his

¹P.R.O.,C.O.96.693/6599, "Native Administration in the Gold Coast and its Dependencies", conf.Minute of 16.12.1929 by A. R. Slater, enclosed in conf.despatch of 18.2.1930 from Slater to Lord Passfield.

²Ibid.

predecessors "to conduct the administration of the natives through the proper native authorities" that phrase was capable of several interpretations and this ambiguity had always marked the "native policy" of the Gold Coast Government. ¹ The phrase, Slater explained, could mean "to use the chiefs as our mouthpieces through whom the orders of the Government are issued to the people", or could mean "to make the chiefs an integral part of the machinery of Government with well-defined powers and functions recognised by Government and by law and not dependent on the views of an executive officer". ² In so far as the chiefs of the Gold Coast had well-defined judicial functions, the second interpretation, Slater maintained, applied. ³ But in as much as they had very few executive powers, they could not be looked on as substantially other than the mouthpieces of the administrative officers and in this sense the first interpretation applied. ⁴ Slater summed up the policy of his predecessors thus:

If we really face the facts, it must be admitted that our practice is to exercise British rule with the support of the native chiefs rather than to maintain and support native rule. In short our system is more akin to 'Direct Rule' than to 'Indirect Rule'. 5

¹ Ibid.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

Quoting extensively from Lord Lugard's The Dual Mandate in support of his argument, Slater asserted to his political officers that he personally allied himself unhesitatingly on the side of those who believed in the principle of "Indirect Rule" rather than "Direct Rule".¹ The aim of the Government, he explained, should be to make the "Native Authority" a "living part of the machinery of Government".² To Slater, this could not be effected by regarding the chiefs as merely mouthpieces of the Government, nor could it be effected by giving the chiefs only judicial functions. To effect such a policy, Slater asserted, the chiefs must also be given executive powers and be provided with funds.³

Slater summarised the argument for "Indirect Rule" as against "Direct Rule" thus:

1. It would ensure the political officers being in close contact with the chiefs and their people. This was because under such a system, the political officer was the "adviser" of the chiefs and he was also responsible for the assessment of direct taxation;

2. It would uphold the authority of the chiefs by giving them threefold powers: judicial; fiscal; executive;

3. It would create a barrier against undue "westernization" of the indigenous institutions;

4. It would provide a solution to the problem of Local Government in growing centres where much development was clamoured for at the expense of the general revenue.⁴

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

Slater went on to emphasise the necessity of giving the "Native Authorities" power to issue orders. He pointed out that the only executive powers possessed by the Gold Coast Chiefs were those prescribed in section 117 of the Native Administration Ordinance, viz., those of a "conservator of peace". Hence, Slater declared it as his determined intention that, like the case in Tanganyika and Northern Nigeria, the Paramount Chiefs in the Gold Coast should be invested with complete powers to issue orders under statutory authority apart from customary law.¹ He added, however, that such powers could not safely be entrusted to all the Paramount Chiefs and that the degree of delegation would also vary.² He also made it clear to his political officers that under Indirect Rule, the chiefs were not independent rulers but they were the delegates of the Governor. The Government, he explained, would reserve for itself the right to impose taxation, to make laws, to control the exercise by the "Native Authorities" of subsidiary legislative powers, etc. Moreover, the disposal of the annual revenue of a "Native Authority" and its important executive acts, though emanating from itself, were subject to the guidance and advice of the political officers.³

In short the Minute laid down the theoretical lines of the policy to be adopted by the Government. Broadly speaking such a policy closely followed that described by Lord Lugard in his Political Memoranda and his Dual Mandate.⁴ The Minute did not contain nor was it

¹Ibid.

²Ibid.

³Ibid.

⁴See chapter one above.

immediately followed by specific proposals to extend the scope of the Native Administration Ordinance. In spite of its limitations and shortcomings, the Native Administration Ordinance remained the accepted measure for regulating the affairs of the stools.

The limitations of the Native Administration Ordinance fully came to the surface in 1930-31. The immediate reason was the cocoa hold-up of 1930-31. Convinced that the European firms were responsible for the substantial decrease in the price of cocoa, the "Gold Coast and Ashanti Cocoa Federation", the association which represented the cocoa farmers, reacted by holding their cocoa and swore the traditional oath to confirm this decision. ¹

The oath occupied an important position in the fabric of the Akan political system; it might correctly be described as its keystone. ² If an individual violated an oath it would be the duty of his chief's tribunal to punish him. Accordingly, the chiefs naturally took action to see that those few farmers who, in contravention of the oath taken by the Cocoa Federation, tried to sell their cocoa were brought to the native tribunals and punished. ³

Understandably the Government was alarmed that the chiefs, whom it looked upon as its agents in carrying out the administration of the country, were challenging its right of jurisdiction and were acting as if they were really independent of its "Native Administration" system.

¹ G.N.A., Accra, ADM.11/1420, case No.22/19, "Notes by the S.N.A. on the cocoa hold-up", dated 18.12.1930.

² For example, J. B. Danquah, Akan Laws and Customs, London, 1928.

³ G.N.A., Accra, ADM.11/1420, case No.22/19, op.cit.; Sam Rhodie, "The Gold Coast Cocoa Hold-up of 1930-31", in T.H.S.G., Vol.IX, 1968.

Governor Slater reacted by warning the chiefs that they were acting ultra vires and that they had no power to punish those farmers who wanted to sell their cocoa.¹ In support of this argument, Slater cited the judgement of his Chief Justice in the case of "Inspector-General of Police versus Asare Panyin in 1931".² In this case a certain chief, Asare Panyin, issued an order forbidding his people to sell cocoa and ordered that any person so doing would be breaking the chief's oath and would thus be arrested. The Chief Justice ruled, that the chief had no power to issue such an order, that any oath to that effect was unlawful and that the persons who carried out the chief's order were guilty of a criminal offence. Moreover, the Chief Justice ruled that the legislative powers of the chiefs and their councillors were entirely derived from the Ordinances of the Gold Coast, apart from which they had no powers of legislation, inherent or otherwise, and that the prescribed means of such legislation was by means of by-laws which could come into effect only and when they had been approved by the Governor.

In addition to warning and arguing against the action taken by the chiefs during the hold-up, the Government forbade oath-taking and gong-gong proclamations in restraint of trade.³ Chiefs were prosecuted, their councillors jailed and their orders and decisions were reversed.⁴

¹ G.N.A., Accra, ADM.11/1420, case No.22/19, op.cit.

² This is elaborately summarised in G.N.A., Cape Coast, ADM.23/1/798, "Notes on the cocoa hold-up".

³ Ibid.

⁴ Sam Rhodie, op.cit.

On their part, both the intelligentsia and the chiefs challenged the point of view and the action of the Government. During the meeting of the Legislative Council, Ofori Atta, the unrivalled leader of the chiefs, argued that,

Before the introduction of the Native Administration Ordinance, a chief had legitimate power, no matter what one may say, to deal with a subject who swore an oath and broke it.... The Ordinance [N.A.O.] is a mere regularization of the powers of the chiefs held before. ¹

Similarly, K. A. Korsah, the municipal member of Cape Coast, argued that,

Paramount Chiefs even before the Native Administration Ordinance was passed had jurisdiction in this country. The N.A.O. merely regulated, but did not confer jurisdiction on the Paramount Chiefs. The right of punishing their subjects for breaking oaths had never been questioned. ²

By and large the chiefs' claim to legislate independently, which Casely-Hayford, as we have stated in chapter two, made on more than one occasion on their behalf was now, thanks to the vagueness of the Native Administration Ordinance, strongly revived during the cocoa hold-up of 1930-31. As a result of this, Governor Slater depending largely, if not entirely, on a memorandum³ written by his Secretary for Native Affairs, W. J. A. Jones, forwarded to the Colonial Office in October 1931, specific proposed amendments to the Native Administration Ordinance. ⁴ The main object of these amendments, Slater

¹ Leg.Co.Debates, 4.12.1930.

² Ibid.

³ P.R.O., C.O.96.697/6903/B, a confidential memorandum entitled "History of Legislation in connection with Native Jurisdiction in the Gold Coast and suggested Amendments to the N.A.O. of 1927", by W. J. A. Jones, the S.N.A., enclosed in conf. despatch of 13.10.1931 from Slater to J. H. Thomas.

⁴ P.R.O., C.O.96.697/6903/R, conf. despatch of 13.10.1931 from Slater to J. H. Thomas.

explained, was to secure greater control by the administrative officers over the judicial activities of the chiefs and to set in explicit and statutory terms a constitutional issue which was persistently raised by the Gold Coast nationalists. ¹ This was namely that the rights of jurisdiction of the chiefs were inherent in them by virtue of the position to which they had been elected by their people. The nationalists denied that they were derived from and exercisable only at the will of the Crown.

First Slater suggested that the Native Administration Ordinance should be amended so that the confirmation by the Governor of the election and instalation of the chiefs should be made a condition precedent to the exercise of their jurisdiction. ² This did not mean that the Governor would have the right to veto an election of a chief, but that he would be vested by an Ordinance with the discretion to decide whether or not the person elected should be entrusted with judicial powers which the Governor alone could confer.

Secondly, Slater suggested that the Native Administration Ordinance should be amended to the effect that whenever an administrative officer should decide that any order issued by a chief by means of an oath, should not have been issued or should not be enforced, he might direct the chief concerned to cancel the order or refrain from enforcing it. ³

¹Ibid.

²Ibid.

³Ibid.

Finally, and in order to give the administrative officers substantial control over the native tribunals, Slater recommended that every District Commissioner or Assistant District Commissioner should have access to the native tribunals and be empowered to:

1. suspend, reduce, or otherwise modify any sentence or decision of a native tribunal;
2. order a rehearing before any tribunal having jurisdiction in the cause or matter;
3. transfer any cause or matter either before or at any stage of the proceedings to a District Commissioner's court. ¹

So, on the whole, Slater's proposed amendments to the Native Administration Ordinance clearly aimed at enforcing in the Gold Coast a fundamental principle of the Lugardian type of Indirect Rule, i.e., the judicial and executive powers of the chiefs must have a statutory basis, that is to say, they must be derived from or delegated by the Central Government. ²

However, Slater proposed amendments were never carried out. Slater made the mistake of putting forward these amendments at the time when he attempted to introduce a comprehensive taxation scheme. We shall discuss in a subsequent chapter this taxation scheme and the Africans' opposition to it. For our purpose here it would be enough to state that owing to the strong African opposition to this taxation scheme and the "disturbed state of public feeling" which occurred as

¹Ibid.

²For example, Lord Lugard, The Dual Mandate, chapters X, XI and XXVII.

as a result, Slater decided to give up the idea of introducing his proposed amendments to the Native Administration Ordinance.¹ Slater's ideas on introducing a Lugardian type of Indirect Rule in the Gold Coast suffered a serious setback.

The situation in 1932, when Slater's term of office came to an end, was that although Slater formulated comprehensive proposals on introducing in the Gold Coast a Lugardian model of Indirect Rule, none of these proposals, thanks to the Africans' opposition, was in fact implemented.

This failure of the Government to implement its proposals for the introduction of Indirect Rule was partly responsible for the fact that some of the Government officials began to lose faith in the Provincial Councils system. The Councils were themselves partly to blame. Although by the early 1930s the Provincial Councils were firmly established they proved in practice to be inefficient and unsuccessful. First, the process of consulting these Councils proved to be long and slow. It involved: (1) despatching papers to the Provincial Commissioners for transmission to the presidents of the Provincial Councils for consideration; (2) assembling the three Provincial Councils; (3) consideration by the Councils members of the subjects on their agenda.² This process usually took a few weeks.

Secondly, the expenses of the Council meetings proved to be considerably costly. The Paramount Chiefs deliberately prolonged the

¹ P.R.O., C.O. 96.749/31228, "Summary of Proposals in connection with the Introduction of Indirect Rule in the Gold Coast Colony", a memorandum prepared at the Secretariat, the Gold Coast, 1938.

² P.R.O., C.O. 96.719/21836, Extract from despatch of 5.9.1934 from G. A. S. Northcote to A. Fiddian.

duration of the meetings in order to increase the sum of their payments and allowances. For example, in its fourth session, in 1929, the Council of the Western Province sat for nine days and its expenses, apart from travelling, were in the neighbourhood of £1,000.¹ In addition, and to encourage the Paramount Chiefs to attend the Councils meetings, the Government adopted the practice of paying them a "bribe in the form of generous transport and travelling expenses".²

As a result of these defects and drawbacks in the working of the Provincial Councils, some of the Government officials became strongly of the opinion that these Councils had proved a fiasco, and should thus be abolished. In 1932, the Secretary for Native Affairs distributed a circular to his Provincial Commissioners asking them if the Provincial Councils system had proved a success.³ The answer of the Central Province Commissioner, which was "definitely in the negative", was typical. The Commissioner stated:

I suggest that we must take it as a premise that the Native Administration Ordinance and the Native Constitution in their present form have failed to ensure good government and that it is essential that more direct control by the Central Government be established.... With every desire to establish or conserve Indirect Rule we are being forced not only surely but quickly⁴ into the direction of Direct Rule by the Central Government.

Slater was succeeded in 1932 by Sir Shenton Thomas⁵ whose

¹ G.N.A., Accra, ADM.11/921, case No.24, Minute of 15.5.1929 by the S.N.A.

² P.R.O., C.O.96.725/31313/5, Memorandum of 5.1.1935, enclosed in despatch of 3.12.1936 from Arnold Hodson to W. G. A. Ormsby-Gore.

³ G.N.A., Cape Coast, ADM.23/1/684.

⁴ G.N.A., Cape Coast, ADM.23/1/684, letter of 10.11.1932 from the Commission of the C.P. to the S.N.A.

⁵ Sir Thomas Shenton Whitelegge Thomas: Born 1879; Colonial Service: East Africa Protectorate, 1909-18; Uganda, 1918-21; Nigeria 1921-27; C.S. of the Gold Coast Government, 1927-29; Governor of Nyasaland, 1929-32; Governor of the Gold Coast, 1932-34. See M. Wight, The Gold Coast Legislative Council, London, 1947, 31, and G. E. Metcalfe, op.cit., 635.

governorship lasted for only two years. His short tenure in office was partly responsible for the fact that although he made some proposals for regulating the judicial and executive functions of the chiefs, he did not at all implement them.

At any rate, Shenton Thomas first wrote in November 1934 a memorandum containing his ideas and proposals on the working of the native tribunals.¹ In this memorandum he traversed over the various defects and abuses of the native tribunals. He strongly held that the dissatisfaction in the stools was chiefly due to the corruption in these native tribunals.² In particular he pointed to the high cost of litigation. He cited as an example that a very trifling case might cost:

| | £ | s. | d. | |
|--------------------|----|----|----|---|
| Summons to accused | | 5 | 0 | |
| summons to witness | | 5 | 0 | |
| service fee | | 1 | 0 | |
| hearing fee | | 5 | 0 | |
| judgement fee | | 10 | 0 | |
| | £1 | 6 | 0 | 3 |

In a small case where the amount involved was not more than £25, the Governor noted that the fees might be:

¹ G.N.A., Cape Coast, ADM.23/1/507, Memorandum of 11.5.1934 by the Governor, T. S. Thomas.

² Ibid.

³ Ibid.

| | £ | s. | d. | |
|------------------------|-----|----|----|---|
| summons fee | | 10 | 0 | |
| summons fee to witness | | 5 | 0 | |
| service fee | | 1 | 0 | |
| hearing fee | 2 | 0 | 0 | |
| judgement fee | 12 | 0 | 0 | |
| viewing fee | 4 | 10 | 0 | |
| adjournment | | 5 | 0 | |
| | £19 | 5 | 0 | 1 |

Shenton Thomas proposed that the scale of fees under the Native Administration Ordinance should be revised with the view of reducing these fees; that a special sum should be fixed in each case and that some of the fees, e.g., hearing fees, might be deleted.²

Following this memorandum, Shenton Thomas drafted two Ordinances for the Gold Coast Colony: A Native Authority Ordinance and a Native Courts Ordinance.³ Both these Ordinances followed closely the "Native Authority" and "Native Courts" Ordinances of Nigeria.⁴ In other words, Shenton Thomas's proposed Ordinances gave the Government, more than ever before, substantial control over the appointment and working of the "Native Authorities" and the native tribunals.

As a result of a discussion with Sir Donald Cameron, the then Governor of Nigeria, Shenton Thomas, however, decided not to proceed

¹Ibid.

²Ibid.

³P.R.O., C.O. 96.749/31228, op.cit.

⁴Ibid.

with his two draft Ordinances.¹ Sir Donald Cameron expressed the opinion that because of the democratic nature of the indigenous institutions in the Gold Coast "Indirect rule was probably not possible in the Gold Coast where authority came from below and not from above as, generally speaking, in Nigeria."² Shenton Thomas himself stated his reasons for not proceeding with his two proposed Ordinances thus:

(1) he had grave doubts whether Indirect Rule as applied in Nigeria would be really suitable for the Gold Coast Colony;

(2) he believed that to impose a system which the people did not accept would be impossible;

(3) the ground had not been sufficiently prepared by a propaganda campaign. It would thus be inopportune to enact new legislation with a view of developing the policy of Indirect Rule.³

It is to be remembered that Shenton Thomas took office at a time of economic and political unrest. As a result, he gradually became convinced that a system of Indirect Rule like that advocated by Slater whereby the administrative officers would have substantial "supervisory" and "advisory" powers over the "Native Authorities" would raise the opposition of the Africans and worsen the already unstable economic and political situation. Instead, Shenton Thomas seemed to be favouring leaving the chiefs to themselves in the administration of their states.

¹ Ibid.

² P.R.O., C.O. 96.730/31228, Memorandum of 27.3.1936 by H. Downie.

³ P.R.O., C.O. 96.749/31228, op.cit.

In other words, while Slater believed in a Lugardian type of Indirect Rule, Shenton Thomas seemed to be returning to the policy adopted by the Government in the pre-Guggisberg era when apart from vaguely committing itself to supporting and strengthening the authority of the chiefs, the Government, in fact, made no genuine attempt to create efficient "Native Authorities".¹ Hence, Shenton Thomas not only decided not to proceed with his two draft Ordinances but he took no step to implement the far-reaching proposals put forward by his predecessor.

Sir Arnold Hodson,² Governor of the Gold Coast from 1934 to 1941 had, as M. Wight described, something of the personal touch that was Guggisberg's great strength and charm.³ His informality gained him the name of "the Sunshine Governor" when he was Governor of Sierra Leone, 1930-34. Also like Guggisberg before him, he failed to win the confidence of the intelligentsia and he was very sensitive to their criticisms. He believed that Africans could best be ruled by a "softly-softly" policy and that their support of Government measures could easily be won through broadcasting and other types of propaganda.⁴

¹For example, R. L. Stone, "Colonial Administration and Rural Politics in South-Central Ghana, 1919-1951", Ph.D. thesis, Cambridge University, 1974, chapter 4.

²Sir Arnold Wienholt Hodson (1881-1944): 1902-4 various posts in Transvaal; 1904-12 Bechuanaland Civil Service; 1912-14 Somaliland; 1914-26 British Consul in Abyssinia; 1926-30 Governor of the Falkland Isles; 1930-34 Governor of Sierra Leone; 1934-41 Governor of the Gold Coast. M. Wight, op.cit.

³M. Wight, op.cit.

⁴In 1936, the Accra Broadcasting Service was extended to Achimota and Labadi and the broadcasting hours were increased to reach 7½ hours per day. The rediffusion service at Cape Coast was officially opened in June of the same year. During the next two years, new rediffusion stations were opened in Sekondi-Takoradi, Koforidua, Kumasi and Tamale. Leg.Co.Debates, 1937 and 1938 (Hodson's annual speeches).

He thus tried to keep in close contact with the chiefs and their people and he was constantly touring the country. This was in keeping with his days of colonial service in Southern and Eastern Africa when he had been fond of touring and lion hunting had been his favourite sport. ¹ Wallace-Johnson remarked critically in 1936 that,

It could hardly be appreciated how a Governor who would not make it possible to spend even a month in continuous residence in the Headquarters of his administrative influence, could direct the affairs of a Colony. ²

Although keen to strengthen the authority of the Paramount Chiefs and to secure their cooperation with the Government, which was weakened during the regimes of Slater and Shenton Thomas, Hodson was not enthusiastic about the idea that this should be done within an orthodox system of Indirect Rule. In February 1936, he wrote:

It will take several years to prove whether our present native policy is right or not. Personally I am doubtful, as I cannot see how educated Africans can be ruled by petty chiefs of no real importance. However this policy was instituted by Administrators of great experience and I must naturally do my best to carry it out and make a success out of it if possible. ³

Hodson seemed to be more anxious to establish a good reputation for himself among the people and was thus reluctant to deal with controversial or unpopular policies such as direct taxation or explicitly defining the sovereignty of the Crown. As a result, apart from an amendment to the Native Administration Ordinance in 1935 authorising the District Commissioners to review the proceedings of native tribunals in criminal cases and the costs awarded in civil cases, Hodson

¹ Sir A. W. Hodson, Travel and Sport in the Kalahari Desert, London, 1912; An Account of Lion Hunting and Exploration in South West Abyssinia, London, 1929.

² P.R.O., C.O.96.726/31039/1, letter of 5.9.1936 from Wallace-Johnson to the Secretary of the L.A.I.

³ P.R.O., C.O.96.730/31228, strictly conf. despatch of 26.2.1936 from Arnold Hodson to Sir C. Bottomley.

took no step during the first two years of his regime to develop Indirect Rule as described by Slater in his Minute and which in theory was the accepted policy of the Government.

The Colonial Office was not, however, impressed by Hodson's "Softly-softly" policy and it thought that he was not giving the question of Indirect Rule much attention. In February 1936, the Secretary of State, J. H. Thomas, held a meeting with his officials of the West African Department with the specific aim of discussing the working of the Indirect Rule system in the Gold Coast. ¹ It was agreed at the meeting that Indirect Rule in the Gold Coast was not working at all satisfactorily and it was decided to ask Hodson to review the situation and to urge upon him the necessity of taking action. ²

Hodson refused to share the opinion of the Colonial Office and he held that the working of the Indirect Rule system was improving and that he was doing his best to make the Provincial Councils a success but this would naturally need "much patience and care". ³

The Colonial Office was not convinced by Hodson's argument and it became impatient with his reluctance to put forward specific proposals for the development of Indirect Rule. Hence, the Colonial Office took the initiative in 1936 by putting forward its own proposals. In a lengthy despatch dated the 15th May, 1936, the Secretary of State, J. H. Thomas, pointed out that while the development of Indirect Rule was the accepted policy of the Government and the administrative officers were instructed accordingly, no step had been taken to provide

¹ P.R.O., C.O. 96.730/31228, Minute by I. M. R. MacLennan (n.d.).

² Ibid.

³ P.R.O., C.O. 96.730/31228, strictly conf. despatch of 26.2.1936, op.cit.

by legislation a constitutional framework adapted to the operation of such a system. ¹ He maintained that in the absence of a clear definition of the executive powers of the "Native Administrations" by means of a suitable "Native Authorities Ordinance" on the lines of the legislation in force, for instance, in Nigeria, there was no statutory provision for control and supervision by the Central Government. ²

He gave it as his opinion that Indirect Rule should be introduced in the Gold Coast as soon as possible and that further delay in its introduction would only tend to increase the complexity of the problems to be solved. ³ He made it clear that he wanted to see in the Gold Coast a system of Indirect Rule on the lines of that adopted in Nigeria whereby the judicial and executive powers of the "Native Authorities" were clearly defined as being delegated from the Central Government; that is to say, the chiefs should not retain "inherent rights" of jurisdiction. ⁴ In short, the Secretary of State was, like Slater before him, concerned with securing to the Central Government more control over the power of the chiefs.

The Secretary of State, J. H. Thomas, then referred in his despatch to the insecurity of the chiefs' tenure and asserted that there could be little hope of development of strong "Native Administrations"

¹P.R.O., C.O. 96.730/31228, conf. despatch of 15.5.1936 from J. H. Thomas to Arnold Hodson. We shall here discuss the despatch in so far as it dealt with the judicial and executive powers of the chiefs. The proposals made in the despatch with regard to the fiscal and financial powers of the chiefs will be discussed in detail in chapter six.

²Ibid.

³Ibid.

⁴Ibid.

so long as the chiefs were liable to destoolment if they attempted to enforce unpopular measures.¹ He invited the Governor to consider whether it was not desirable that the administrative officers should be granted by legislation effective powers of intervention in the settlement of complaints against chiefs and disputes regarding stool successions.² He felt that Government should have the power of deposing and suspending chiefs.³

In reply to the Secretary of State's despatch, Hodson forwarded on 31st August, 1936, a lengthy despatch containing his observations and recommendations.⁴ Having agreed with the secretary of State that the time had come to enforce the doctrine that judicial powers of the chiefs were derived from the Crown, Hodson recommended that a "Native Courts Ordinance" should be enacted at once embodying this doctrine. Such an Ordinance, Hodson explained, should also provide for:

1. The native tribunals to be established by the Governor;
2. The Governor to have the power to disband any native tribunal;
3. The native tribunals to be graded according to their type;
4. The President and members of a tribunal to be nominated by the Governor, and nominations were not necessarily to be confined to the chief and his councillors, thus opening an avenue for the appointment of educated persons;

¹Ibid.

²Ibid.

³Ibid.

⁴P.R.O., C.O. 96.730/31228, conf. despatch of 31.8.1936 from Arnold Hodson to W. G. A. Crmsby-Gore.

5. The maximum and minimum number of members of a tribunal who might sit at any one time were to be prescribed by the Governor;

6. The Governor to have power to terminate the appointment of any particular member;

7. The District Commissioners to have full control over the native tribunals. ¹

In addition to the enactment of such an Ordinance, Hodson hoped that the fees and fines collected in the native tribunals should be paid into an account to be controlled by the District Commissioner who would pay therefrom the salaries of the president, members and other officials of such tribunals. ² These salaries, Hodson added, were not ^{be} to/fixed but were to be based on the amount of money collected each year.

With regard to the executive and administrative aspects of the chiefs, Hodson proposed the creation of statutory "Local Authorities". These would be of three kinds: (1) a "Native Authority" in the accepted sense of the term; (2) a Town Board; (3) a Rural Council. ³

With regard to (1) Hodson proposed the enactment of a "Native Authority Ordinance" empowering the Government to appoint and control "Native Authorities", to create and regulate stool treasuries and to authorise the "Native Authorities" to levy a tribute for local needs. ⁴

The proposed "Town Boards" were meant to be established in certain towns such as Suhum, Tarkwu and Nsawam. ⁵ Hodson suggested that the

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

⁵Ibid.

establishment of such "Town Boards" would be effected by the enactment of a "Township Ordinance" and a complementary "Public Health Ordinance".

With regard to the establishment of "Rural Councils", Hodson explained that this would be effected only when progress under the proposed "Native Authority Ordinance" was impossible. ¹ These "Rural Councils", Hodson explained, would be constituted on the lines of the "Town Boards", and their function would be executive, caring for all functions of "Native Authorities" except the keeping of law and order. In effect, a "Rural Council" would be a "Native Authority" but without judicial powers. ²

On the question of the insecurity of the tenure of the chiefs, Hodson proposed to give the District Commissioners the right to sit with a State Council and direct the enquiry into the complaints made against a chief, the finding to be subject to the approval of the Governor whose decision would be final. He also suggested that power should be given to the District Commissioners to intervene at any early stage in a constitutional dispute. Furthermore, he recommended inter alia that the judicial powers of the Provincial Councils should be taken away and be vested in the court of the Provincial Commissioner. ³

On the question of resuming the power of deposing or suspending chiefs, Hodson was, however, of the opinion that Government should not resume it. ⁴ His reason was that the resumption of such a power would

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

in any case have no effect in practice owing to the democratic nature of the indigenous institutions. Undoubtedly, Hodson was influenced here by the fact that the experience of the Native Jurisdiction Ordinance of 1883 had shown that in practice the action of a Governor in suspending or deposing a chief achieved no purpose whatsoever. This was because a suspension or deposition of a chief by the Government would not necessarily deprive him, in the eyes of his Council and his people, of his judicial powers. Under the customary constitution, a chief could only be deposed by the people who elected him and not by the Government.

Finally, Hodson suggested that all his abovementioned proposals should be undertaken by degrees. In other words, the first step, he explained, would be the enactment of the "Township" and "Public Health" Ordinances. At the same time, a start would be made in the judicial reform. Regulations of the executive, administrative and financial powers of the chief would wait pending a period of "sympathetic propaganda", until the principle underlying the judicial reform had been inculcated and "Local Government" in selected townships was established.¹

On the whole, Hodson's proposals were not met with great favour in the Colonial Office. The Secretary of State, now W. G. A. Ormsby-Gore (later Lord Harlech), laid it down in no uncertain fashion that he could see no alternative to the development of a system of Indirect

¹Ibid.

Rule based on the existing indigenous institutions. ¹ He explained that the alternative would appear to be either "direct rule" which, apart from other considerations, must be excluded on financial grounds, or the development of Indirect Rule through the chiefs. ²

With regard to the proposed "Native Courts Ordinance", Ormsby-Gore was in general agreement with the suggestions put forward by Hodson. He had, however, some doubt whether in the programme suggested by Hodson, concentration on the improvement of the native tribunals had not overshadowed the question of re-establishing the "Native Authorities" in their administrative aspect. ³ Ormsby-Gore maintained that there was so close a connection between the administrative and judicial functions of the "Native Authorities", that he was not satisfied that any useful results would be achieved by proceeding with Hodson's proposed judicial reforms while leaving for a further period of "sympathetic propaganda" the administrative and financial aspects of the "Native Authorities". ⁴ There appears, in the opinion of Ormsby-Gore, to be some risk that the changes proposed by Hodson with regard to the native tribunals, desirable as they were in themselves, might so derogate from the dignity of the chiefs as to render administrative reforms still more difficult if they were left to a later period. ⁵

Ormsby-Gore saw no objection to the principle of establishing "Town Boards". He, however, observed that the functions of the "Town Boards" as explained by Hodson, were comparatively narrow in scope,

¹P.R.O.,C.O.96.793/31228, conf.despatch of 31.1.1937 from W. G. A. Ormsby-Gore to Arnold Hodson.

²Ibid.

³Ibid.

⁴Ibid.

⁵Ibid.

and appeared to be concerned almost entirely with matters of public health.¹ He also observed that it was not clear from Hodson's despatch who would be responsible for other matters of local government in "Town Boards" areas, nor what would be the relations of the "Town Boards" with the chiefs or the "Native Authorities" in whose areas they were established.²

Finally, Ormsby-Gore rejected the suggestion of establishing "Rural Councils" as "Local Authorities" as such councils, in his opinion, had no traditional basis in the Gold Coast and their establishment would thus violate a fundamental principle of Indirect Rule, viz., that such a system should be founded on those institutions which the people had evolved for themselves.³ Ormsby-Gore held strongly that the establishment of such Councils would lead to the complete and final suppression of the chiefs and their councillors and that this would have serious political consequences and could only be regarded as a "counsel of despair".⁴

It was thus clear that the Governor, the man on the spot, and the Colonial Office held different views on how to develop or promote Indirect Rule in the Gold Coast. While Hodson, on the one hand, believed in a "piecemeal policy" of establishing Indirect Rule, the Colonial Office, on the other hand, wanted the reforms in all aspects of the "Native Authorities"; judicial, administrative and financial to be carried out simultaneously.

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

Under repeated pressure from the Colonial Office, Hodson reluctantly made new proposals for the establishment of Indirect Rule. In a despatch dated 13th November, 1937, Hodson agreed with the Secretary of State, Ormsby-Gore, that "there would appear to be no practical alternative to the development in the Colony of a system of Indirect Rule based on the existing chiefs".¹ This time Hodson appeared ready to abandon his "piecemeal policy" and suggested a comprehensive scheme for the reform of the judicial, administrative, and financial aspects of the "Native Authorities" at one time. Hodson's scheme, which was meant to repeal the Native Administration Ordinance of 1927, suggested the introduction of:

1. A "Native Courts Ordinance";
2. A "Native Authorities Ordinance";
3. A "Native Treasuries Ordinance".²

The proposed "Native Courts Ordinance" provided the Government with full control over the native tribunals and clearly laid it down that the jurisdiction of such tribunals was derived from the Crown.³ The Governor was empowered to establish and to cancel or suspend such tribunals. Power was also vested in the Governor to limit the number of persons who would form a native tribunal and to nominate the president and members of such a tribunal. The Ordinance also provided for the jurisdiction enjoyed by the State Councils under the Native Administration Ordinance to cease.⁴ It proposed instead that a State

¹ P.R.O., C.O. 96.793/31228, conf. despatch of 13.11.1937 from Hodson to W. G.A. Ormsby-Gore.

² Ibid.

³ Ibid.

⁴ Ibid.

Council should be an executive body only.

Finally, the Ordinance provided for the jurisdiction conferred upon the Provincial Councils by the Native Administration Ordinance to disappear. ¹ This was because, Hodson pointed out, the experience of the ten years since these Councils began to function had proved that they could not carry out their judicial functions without "inordinate delay and expense" and that they were inefficient. ²

The proposed "Native Authorities Ordinance" was intended to repeal the Native Administration Ordinance in so far as it dealt with administrative as distinct from judicial functions. Broadly speaking, it differed from the relevant parts of the Native Administration Ordinance in that,

1. Provisions similar to those in "part two" of the Native Administration Ordinance were excluded. This part of the Native Administration Ordinance contained detailed provisions for the settlement of disputes that might arise as a result of enstoolment or destoolment of chiefs and other matters of a constitutional nature. Hodson recommended that such disputes should be left to the people to settle themselves and where it was necessary for the Government to intervene, an inquiry could be instituted under the Commissions of Inquiry Ordinance;

2. A provision was made enabling the Governor to withdraw all authority from a "Native Authority" if it failed to carry out duties which properly belonged to it. The definition of a "Native Authority"

¹Ibid.

²Ibid.

was so worded as to admit of the chief and his councillors and persons nominated by the Governor being appointed to that position. Hodson hoped that such a definition would provide the opportunity for "suitable members" of the educated community to take part in the local administration;

3. A provision was made for the "Native Authorities" to issue orders which, however, might be revoked by the administrative officers, and for these officers to issue orders in the event of the "Native Authorities" refusing to do so;

4. "Native Authorities" might be appointed for various areas, the boundaries of which need not coincide with those of the existing states;

5. A provision was made for the amalgamation of small states. ¹

Finally, although accepting the view that the reforms in the different functions of the "Native Authorities" should be introduced simultaneously, Hodson warned that the introduction of such reforms would be

Bitterly opposed and that serious disorders in connection therewith are not unlikely to occur. The success of the introduction of a system of local government through "Native Authorities" in the Colony depends ultimately on the development of the appropriate frame of mind amongst the people. ²

Hodson was still hesitant and seemed to believe that a period of an intensive propaganda campaign was necessary before he could embark on implementing his abovementioned scheme or programme.

¹Ibid.

²Ibid.

Although, this time, not objecting to Hodson's proposals the Secretary of State (Ormsby-Gore) pointed out that before they could be implemented a survey of the requirements of each "Native Authority" should be made.¹ The Secretary of State also wanted a Commission including persons with first-hand knowledge of the working of Indirect Rule in Africa to be appointed to advise on the working of Indirect Rule in the Gold Coast and to recommend on the best way to give effect to Hodson's proposals.²

Meanwhile, however, early in November 1937, all but one of the important European firms trading in the Gold Coast and Nigeria entered in "Buying Agreements" fixing the price of cocoa. The Gold Coast farmers, convinced that these "Agreements" were designed to exploit them, reacted by staging a general hold-up of their cocoa accompanied by a boycott of certain European goods.³ As usual the farmers swore the traditional oath to confirm their decision. The chiefs, particularly Ofori Atta, were very visible in the leadership of the hold-up. They wholeheartedly supported the hold-up and as was the case during the 1930-31 hold-up, they employed the traditional sanctions against those few farmers who tried, contrary to the oath taken by the farmers' organisations, to sell their cocoa or to purchase European goods.⁴ For example, in the tribunal of Nana Odanhene of Osenase, in the Eastern Province, a farmer was fined £5 for buying six tins of tomatoes from a U.A.C. store.⁵ When the farmer refused to

¹ P.R.O., C.O. 96.739/31228, conf. despatch of 27.1.1938 from Sir C. Bottomley to Arnold Hodson.

² Ibid.

³ G.N.A., Cape Coast, ADM.23/1/798, "Notes on the cocoa hold-up of 1937-38"; Report of the Commission on the Marketing of West African Cocoa, 1938, cmd.5845; J. Milburn, "The 1938 Gold Coast Cocoa Crisis: British Business and the Colonial Office", in African Historical Studies, Vol. III, No.1, 1970, 57-74.

⁴ G.N.A., Cape Coast, ADM.23/1/798, op.cit.

⁵ G.N.A., Accra, ADM.29/6/13, case No.2344, letter of 23.11.1937 from Police Superintendent to the Commissioner of E.P.

pay the fine, the chief sentenced him to a month in prison with hard labour. Again at Denkera, in the Central Province, the Omanhene arrested and charged four persons for selling cocoa to a European firm. ¹

The Government reacted to the action taken by the chiefs during the hold-up by publishing a statement saying that the chiefs had no power to forbid, threaten or imprison any farmer who wanted to sell his cocoa or purchase any article. ² Naturally both the chiefs and the intelligentsia objected to this statement and once again raised the question of the "inherent right" of jurisdiction of the chiefs. The African point of view was elaborately explained in a monograph written by Dr. J. B. Danquah. ³ Like Casely-Hayford before him, Danquah, using his great academic and legal skills, forcibly argued that the judicial powers and functions of the chiefs were vested in them by customary law and could not be abolished by a legislative enactment. ⁴ In addition, he pointed out that the "ill-timed and impolitic" statement issued by the Government only strengthened the already prevailing view among Africans that the Government was taking sides with the European firms. ⁵

In the midst of this controversy over the "inherent right" of jurisdiction of the chiefs and the hostile attitude prevailing among the people against the Government, it became evident to the colonial

¹ G.N.A., Cape Coast, ADM.23/1/798, op.cit.

² Ibid., The Gold Coast News, 26.11.1937.

³ J. B. Danquah, Liberty of the Subject: A Monograph on the Gold Coast Cocoa Hold-up and Boycott of Foreign Goods, 1937-8, G. Boakie Publishing Co., Kibi, 1938.

⁴ Ibid., 32.

⁵ Ibid., 23.

administration that any attempt to implement the programme proposed by Hodson would be strenuously opposed by the people. Hodson himself stated that:

The cocoa dispute could not have happened at a more unfortunate time, for things were beginning to move slowly but steadily in the right direction. Now however we have not only been brought to a standstill, but we have lost the ground we had gained. Nothing is more certain than that there will have to be a breathing space before any important steps in native policy can be taken for I can say without any hesitation that the introduction in the near future of the proposals under consideration would lead to very ¹ grave trouble indeed.

Apart from the revival of the "inherent right" of jurisdiction of the chiefs, the Government had an additional reason to believe that the time was inopportune for the introduction of its radical proposals on the establishment of Indirect Rule. In 1938 the relations between the chiefs and the Government came under new strains. The immediate reason for this was the enactment of the Native Administration (Amendment) Ordinance, No.25 of 1938. ² This Ordinance made the decisions of the Provincial Councils in all except land cases subject to appeal to the Governor, whose decision would be final.

The Paramount Chiefs of the Provincial Councils saw the Ordinance as an encroachment on their judicial powers and petitioned the Secretary of State asking for its disallowance. ³ They also complained, inter alia, that since 1937, the Government ceased to consult them with regard to amendments to the Native Administration Ordinance and other bills

¹ P.R.O.,C.O.96.749/31228, letter of 11.3.1938 from Arnold Hodson to Sir C. Bottomley.

² P.R.O.,C.O.96.747/31134. This Ordinance was forwarded to the Colonial Office under cover of despatch No.706 of 18.10.1938 from G. London, Acting Governor, to M. MacDonald.

³ P.R.O.,C.O.96.757/31134, Petition of 9.11.1938 by the Provincial Councils, enclosed in conf. despatch of 14.2.1939 from Arnold Hodson to M. MacDonald.

affecting their people.¹ They concluded, "We feel that such policy of non-co-operation is not only materially prejudicial but also not beneficial, to the Country as a whole".² The Secretary of State, Malcolm MacDonald, however, (following a recommendation by Hodson) dismissed the petition.

As a result of the change in the situation due to the cocoa hold-up and the passing of the Ordinance No.25 of 1938, both Hodson and the Colonial Office agreed that the time was inopportune to try to explicitly define and regulate the judicial and executive powers of the chiefs. Accordingly the idea of appointing a Commission to investigate the working of Indirect Rule in the Gold Coast was abandoned and Hodson's proposals of 1937 were left to die quietly. They joined the long series of the Government's abortive measures in connection with establishing Indirect Rule. In short, by 1941, when Hodson's term of office came to an end, although the Government had since 1929 officially committed itself to establishing in the Gold Coast a Lugardian model of Indirect Rule, very little, if any, of this system was achieved. The Government's proposals were either frozen in the face of a strong African opposition or they were never introduced because of an anticipated opposition or because of disagreements among the officials themselves.

In November 1942, a new Governor, Sir Alan Burns,³ took office. He was, from the start, struck by the defects and shortcomings of the

¹Ibid.

²Ibid.

³Sir Alan Cuthbert Burns: Born 1887, served in West Indies, 1905-12 and 1924-28; in Nigeria, 1912-24 and 1928-34; Governor of British Honduras, 1934-40; Governor of the Gold Coast, 1941-47; U.K. Representative on the Trusteeship Council, 1947-56. G. E. Metcalfe, op.cit., 666.

Native Administration Ordinance. These defects and shortcomings were evidenced by the large number of interminable stool disputes. From enquiries he made personally, Alan Burns learnt that during the period 1932-42, no less than twenty-two Paramount Chiefs had been destooled.¹ In the case of subordinate chiefs, the position was as bad or worse.

Alan Burns asserted:

I am confident that if one half of the energy and the time and the money that is spent in the Gold Coast on stool disputes could be devoted to more useful purpose the Gold Coast would be a richer and a better place. I am anxious to do all I can to remove this blight from the country.

2

The defects and shortcomings in the working of the Native Administrations were also noticed at this time by Lord Hailey in his confidential report, Native Administration and Political Development in British Tropical Africa, which he submitted to the Secretary of State in 1942.³ In this report Lord Hailey maintained that the shortcomings of the system of "Native Administrations" in the Gold Coast were becoming "so obvious as to have created the doubt whether they could be remedied without a modification of the present policy".⁴ His own suggestion to remedy the situation was that the Government must abandon its policy of gradualism or policy of step-by-step - which characterised the regime of Hodson as we have explained - and take immediate action.⁵

Although not putting forward a specific comprehensive programme of reform, Lord Hailey made, some general recommendations and observations. He was of the opinion, for example that the jurisdiction of

¹Leg.Co.Debates, 1942.

²Ibid.

³Lord Hailey, Native Administration and Political Development in British Tropical Africa, conf.report, 1940-42. (A copy at Rhodes House Library, Oxford.)

⁴Ibid.

⁵Ibid.

the State Councils and of the Judicial Committee of the Provincial Councils was of questionable value and should accordingly be abolished.¹ He was also of the opinion that the Government should find some means to increase its control over the executive functions of the "Native Authorities".²

Encouraged by Lord Hailey's criticisms and anxious himself to amend the obvious defects in the Government's "Native Administrations" system, Alan Burns appointed, in 1942, two committees to report on the working of that system. The first committee, which included Ofori Atta and K. A. Korsah, who represented the Africans, was asked to report on the working of the Native Administration Ordinance as far as the executive and administrative functions of the chiefs were concerned and to make suggestions therewith. The second committee - the Native Tribunals Committee of Enquiry (Blackall Committee) - which included two Europeans and five Africans, was asked to report on the constitution, jurisdiction and procedure of the native tribunals and to suggest reforms therewith.³

Depending largely on the reports of these two committees, the Government passed in 1944 the two Ordinances which jointly replaced and repealed the seventeen year old Native Administration Ordinance. These were the Native Authority (Colony) Ordinance, No.21 of 1944 and the Native Courts (Colony) Ordinance No.22 of 1944.⁴

In the Native Authority Ordinance which was passed in November 1944, the Government found a formula for controlling local administration without claiming any authority over the chiefs. Clause 3 of the Ordinance provided that "Native Authorities" would be appointed by Order

¹Ibid.

²Ibid.

³The Blackall Committee included: (1) H. W. B. Blackall, Attorney-General, (Chairman); (2) T. R. O. Mangin, Acting Secretary for Native Affairs; (3) Mr. Justice Woolhouse Bannerman; (4) Sir Ofori Atta; (5) Nane Azu Mate Kole; (6) J. B. Danquah; (7) J. C. deGraft-Johnson.

of the Governor and that such "Native Authorities" need not necessarily be formed from the chiefs and their State Councils. ¹ The Governor was empowered, if he deemed it expedient to do so, to name any African of the area concerned as a "Native Authority". ² The Governor was also empowered to revoke, suspend or vary the appointment of any person as a "Native Authority". ³

Besides being given powers and duties under the customary law, the Native Authority Ordinance provided that the Native Authorities, as appointed by the Governor, would also be given a wide range of duties for the maintenance of law and order and the performance of the functions of local government organs. They were also given complete financial control and were enabled to raise an annual rate. ⁴ The Ordinance provided, however, that the Provincial Commissioner might direct a "Native Authority" to: (a) make or amend an order or in default, he might himself make or amend such an order; (b) suspend or revoke the operation of an order or in default, he might himself suspend or revoke such an order. ⁵

Finally, the State Councils ceased under the Ordinance to possess legal authority in either administrative or fiscal powers. They were only left with the power to enquire into certain constitutional

⁴For a copy of each of these Ordinances see for example, G.N.A., Accra, ADM.11/1840, Vol.2, No.2259, S.F.11.

¹Clause 3 of the Native Authority (Colony) Ordinance, No.21 of 1944.

²Ibid.

³Clause 5 of the Native Authority (Colony) Ordinance.

⁴Part 6 (Financial Provisions) of the Native Authority (Colony) Ordinance.

⁵Clause 12 of the Native Authority (Colony) Ordinance.

disputes such as the election, instalation and deposition of a chief.¹ In addition, they were vested with the right to submit to the Governor declarations and modifications of the customary law.²

The second Ordinance, the Native Courts Ordinance, provided that native tribunals would be established by order of the Governor in Council.³ In other words, the Ordinance, in contrast with the Native Administration Ordinance which recognised the native tribunals existing under the indigenous customary law, finally rejected the traditional claims of the chiefs to judicial powers as inherent attributes of their offices.⁴

The Ordinance provided that the native courts, as established by the Governor, would be of four grades, A, B, C and D, and the jurisdiction of each grade was detailed in the schedules attached to the Ordinance.⁵ Broadly speaking, the jurisdiction of these courts was, in many respects, considerably greater than that of the corresponding grades of tribunals provided for by the Native Administration Ordinance. For example, a Paramount Chief's tribunal under the Native Administration Ordinance usually had criminal jurisdiction to fine up to £25 and the corresponding figure for a Divisional Chief's tribunal was £10. By contrast, a grade 'A' court under the Native Courts Ordinance (corresponding to a Paramount Chief's tribunal) had a criminal jurisdiction of £50 and grade 'B' courts (corresponding to a Divisional Chief's tribunal) had criminal jurisdiction of £25.⁶

¹Part III (Constitutional Matters) of the Native Authority (Colony) Ordinance.

²Part V (Native Customary Law) of the Native Authority (Colony) Ordinance.

³The Native Courts (Colony) Ordinance, No.22 of 1944.

⁴Ibid.; W. B. Harvey, op.cit., 209.

⁵The Native Courts (Colony) Ordinance; P.R.O.,C.O.96.775/31458/2, Summary of the Ordinance by the S.N.A.

⁶Ibid.

The Ordinance also provided for the appointment of an officer called the Judicial Advisor who was described as the "guide, philosopher and friend" of the native tribunals.¹ His principal functions were:

1. to carry out inspections of the native courts and to review their decisions;
2. to issue circulars for the guidance of native tribunals;
3. to organise training courses and supervise the examination of native courts registrars.²

Finally, the Ordinance put the native tribunals under the responsibility of the "Native Authorities". The "Native Authorities" were to provide buildings, pay members' allowances, employ and pay staff, and in return, receive the fees and fines of the courts.

Undoubtedly, the 1944 legislation served to reduce some of the abuses, corruption and inefficiency in the working of the "Native Authorities". In particular, there were considerable improvements in the working of the native tribunals. First, the number of these tribunals decreased after the Native Courts Ordinance came into force. Whereas under the Native Administration Ordinance there were in the Colony 324 native courts, there were in 1948, by contrast, only 146 native courts.³ By 1950, these were reduced to 135.⁴ Secondly, the Government adopted the practice of appointing non-chiefs as members of the native tribunals. By 1950-51, the non-chiefs comprised 54 per cent of the total membership of the native courts.⁵ Thirdly, the Native

¹Ibid.

²Ibid.: Report of the Commission on Native Courts, 1951 (Korsah's Commission).

³Lord Hailey, Native Administrations in the British African Territories, op.cit., 213.

⁴Report of the Commission on Native Courts, 1951.

⁵Ibid.

Courts (Colony) Procedure Regulations, No.10 of 1945 - which was issued soon after the Native Courts Ordinance came into force - provided settled procedure for the native courts. The Regulations also prescribed a scale of fees applicable in all courts.

But the improvements introduced by the 1944 legislation were not enough and certainly they were not as radical as is usually thought. For example, although the 1944 legislation provided for the appointment of a person to the post of "Native Authority" who was fully subject to the revocation of the Governor, in practice, the Governor generally appointed as "Native Authority" a chief and his councillors.¹ Although the native courts were put under the responsibility of the "Native Authorities" the latter proved unwilling to spend enough on the staff and facilities of the courts to bring them to the standard desirable. In 1951, the Korsah's Commission on Native Courts noted that the staff of the Native Courts were generally inadequate in quality.²

However, the 1944 measures were important in that they marked the first serious move towards establishing local government organs on the western style. In other words, they marked a new approach to Indirect Rule. The Government was anxious to put an end to the stool disputes and other defects in the working of the "Native Administrations", but seemed convinced that this could not really be done as long as the educated forces (used here loosely to mean both the intelligentsia and the sub-elite) maintained their opposition to the "Native Administrations" system. Hence, the Government decided to reconcile the principles underlying the system of Indirect Rule and the wishes of these educated

¹ W. B. Harvey, op.cit., 75.

² Report of the Commission on Native Courts, 1951.

forces. Accordingly, the Government offered these educated forces places on both the "Native Authorities" and the "Native Courts" as formed by the 1944 Ordinances. In other words, the Government appeared ready to ignore a fundamental principle of the Lugardian model of Indirect Rule, namely that such a system should be based on the people's indigenous institutions and not on Government-created ones. The Government failed, however, to realise that the educated forces not only wanted a say in the local administration but also, and most importantly, wanted a say in the central administration; they wanted substantial constitutional reforms.

The educated elite in fact strongly objected to the 1944 measures. A. Sawyer, the Accra Municipal member to the Legislative Council, argued that these measures were, first of all, based upon principles totally opposed to the customary laws of the Gold Coast and that, secondly, they contained provisions that were totally at variance with the accepted principles of English constitutional law.¹ He objected in particular to clause three of the Native Authority Ordinance which empowered the Governor to appoint as "Native Authority" any person or persons he deemed fit.² Significantly, Sawyer summed up his argument by saying that the 1944 measures did not contribute to the goal of self-government. More or less the same objections were raised by Dr. Danquah, the Gold Coast Observer and the Gold Coast Independent.³

Following the 1944 measures, the next proposals made with regard to the working of the "Native Administrations" were those made by the Watson Commission of 1948. But as we have seen in the previous chapter,

¹Leg.Co.Debates, 1944.

²Ibid.

³G.N.A., Accra, C.S.O.2759.S.F.11, letter of 30.9.1944 from J. B. Danquah to T. R. O. Mangin; The Gold Coast Observer, 8.9.1944; The Gold Coast Independent, 7.10.1944.

the Watson Commission chiefly concerned itself - apart from enquiring into the underlying causes of the 1948 events - with the political role of the chiefs. It gave little attention to the judicial and administrative roles of the chiefs. It briefly referred to the Native Courts and only limited itself to recommending the consideration of the question whether the time had not arrived when the jurisdiction of Native Courts might be entrusted to African lawyers to act as stipendiary Travelling Magistrates. ¹

However, the Coussey Committee, which was appointed in 1949 to consider the constitutional proposals made by the Watson Commission, made comprehensive recommendations in respect of the administrative and judicial functions of the "Native Authorities". The Committee recommended the establishment of three classes of "Local Authorities" designated A, B, and C which would be separate and different from the State Councils. ² The latter would deal only with matters of custom and disputes connected with the stools.

Class 'A' Authorities or Councils would be the highest local government Authority comprising both municipal and what was described as district councils. This class of Authorities or Councils was intended for State areas large enough (approximately 100,000 persons or more) and whose resources would enable them to maintain themselves as economic units. Class 'B' Authorities or Councils covered: (1) urban areas councils (towns with 10,000 persons or more) and (2) rural areas (after providing for urban areas, the District Council would be divided into a number of rural areas Councils). Class 'C' Authorities or Councils would cover the village area Councils. ³

¹ Report of the Commission of Enquiry into Disturbances in the Gold Coast, 1948, Colonial No.231, 1948.

² Report by the Committee on Constitutional Reform, 1949 (Coussey's Committee).

³ Ibid.

Although the functions of these "Local Authorities" were essentially those of local government organs and were meant to be separate from the State Councils, the Committee was nevertheless convinced that,

It is essential to maintain the link between the local authorities and traditional authorities. The whole social framework of the Country is based on the rule of the chiefs. This has been reinforced by the policy of 'Indirect Rule' of the past, so that the traditional authorities have now an entrenched interest in the local administration. Their complete exclusion from the new Councils will, therefore, be inadvisable and unwise. 1

Accordingly, the Committee recommended that no less than one third of the seats of all the "Local Authorities" should be reserved for the appointees of the chiefs. 2 It also recommended that the chiefs should be the presidents of the "Local Authorities", but with no executive powers. 3 In other words, this post of president was to be purely honorary and ceremonial.

The Coussey Committee also made suggestions for the improvement of the system of Native Courts. These suggestions included the following:

1. That the practice of appointing a special panel of adjudicators for the Native Courts should be encouraged and that the members should be increasingly people who were not members of the State Councils or Local Authorities of the areas concerned;

2. That there should be fewer grades of Native Courts;

3. That the Native Courts should be subject to the control of the Chief Justice and be supervised by Judicial Officers working under him;

4. That appeals from Native Courts should be directed to the Supreme Court;

¹Ibid.

²Ibid.

³Ibid.

5. That a special committee should be set up to examine the whole question of Native Courts. ¹

The Government welcomed the recommendations of the Coussey Committee. And in December 1949, a Select Committee of the Legislative Council was appointed to examine the Coussey Committee's recommendations on "Local Authorities". In its report which was published in 1951, the Select Committee agreed with the most important recommendations of the Coussey Committee. ²

Similarly, Nkrumah's Government, which came to office in 1951, accepted, on the whole, the Coussey Committee's recommendations. These recommendations were effected by the Local Government Ordinance, No.29 of 1951. This Ordinance which came into effect on the 12th January, 1952, wrote the official finish to the Indirect Rule system in the Gold Coast. It finally replaced the "Native Authorities" or "Native Administrations" with Local Government Councils, more democratically elected. ³ However, the Ordinance, following the Coussey Committee's recommendations, reserved one third of the membership of these councils to the appointees of the State Councils. ⁴ The chiefs were also kept under the Ordinance as honorary presidents of the Local Government Councils. ⁵

With regard to the Coussey Committee's recommendations on the Native Courts, the Government appointed a commission in December 1950 to examine them. This was the Commission on Native Courts under the

¹Ibid.

²Report by the Select Committee on Local Government, Accra (Government Printing Department), 1951.

³The Local Government Ordinance, No.29 of 1951 (Korsah's Commission).

⁴Ibid.

⁵Ibid.

chairmanship of Mr. Justice (later Chief Justice) K. A. Korsah. The members of his commission were African. In its report which it submitted in September 1951, the Korsah Commission made it clear that in spite of the 1944 legislation, the working of the Native Courts was anything but satisfactory.¹ The Commission then made its own recommendations. The most important of which were:

1. The establishment of new courts to be called "Local Courts";
2. The Chief Justice should control and be responsible for the Local Courts;
3. Chiefs should not be appointed as ex-officio members;
4. A chief who was a hereditary, territorial ruler should not be appointed as a member of a Local Court;
5. Membership of a Local or State Council should not be an absolute bar to appointment, but such appointments should generally be avoided;
6. Court staff should be members of a central service confined to the judicial service or department. They should also be trained for their positions.²

The Government did not consider the report of the Korsah Commission directly but submitted it to an interdepartmental committee. This committee submitted its report to the Cabinet in 1953. On the whole, it agreed with the recommendations made by the Korsah Commission.³ It was not until 1955, however, that the Government issued a statement only to explain that the delay in implementing the Korsah Commission's recommendations was due to the many implications of these recommend-

¹Report of Commission on Native Courts, 1951, op.cit.

²Ibid.

³W. B. Harvey, op.cit., 211-212 and 217.

ations.¹ It was not, in fact, until 1958 that the Government attempted to implement the Korsah Commission's recommendations. This was effected by the Local Courts Act of 1958.

The Local Courts Act empowered the Minister for the Interior to establish Local Courts. These Courts were to be nationally uniform, each Court possessing the same jurisdiction.² In other words, the old practice of grading the Native Courts was abandoned. The Ordinance empowered the Minister for the Interior to appoint Magistrates to preside over the Local Courts.³ The Minister was also empowered to promote, transfer, dismiss and discipline these Magistrates.⁴ The Magistrates' salaries were formally fixed by the Minister but paid by the Local Government Authorities which in turn received all revenues of the Courts.⁵

The Ordinance provided for the registrars and other officers of the Courts to be appointed only with the approval of the Minister who was authorised to lay down standards of proficiency.⁶ Finally, powers of review and other supervisory control over the Local Courts were vested in District Courts which were established under the Courts Ordinance of 1951.⁷ In more important cases, appeals could be further pursued to the High Court of Justice and the Court of Appeal.

To sum up, we can argue that several factors accounted for the failure of the Government's proposals to adequately define and regulate the judicial and executive powers of the chiefs. Two factors

¹Ibid.

²The Local Government Act of 1958.

³Ibid.

⁴Ibid.

⁵Ibid.

⁶Ibid.

⁷Ibid.

in particular could be emphasised here. The first was that the Africans, on the one hand, and the colonial administration, on the other hand, held diametrically opposed views with regard to the definition and extent of the chiefs' jurisdiction. This led to continuous friction and confrontation between the Africans and the colonial administration. The result was that because of the strenuous African opposition, the colonial Government failed for a long time to enforce the notion that the chiefs' jurisdiction and powers were derived from the Crown and in effect, the official control over the chiefs remained, in contrast with Nigeria, characteristically vague and limited.

The second factor was that the colonial officials themselves were not in agreement as to the degree and form which the Government should exercise over the chiefs. Broadly speaking, both Governor Slater and the Colonial Office wanted to establish in the Gold Coast an orthodox or a Lugardian model of Indirect Rule. However, none of Slater's successors was enthusiastic about such a system. The disagreement between the Governors and the Colonial Office was particularly noticeable during Governor Hodson's regime. A great deal of his seven years as Governor was spent in exchanging despatches with the Colonial Office, with each side displaying his proposals and observations on the best way to establish Indirect Rule. Due to the frequent change of the Secretaries of State during the 1930s, this process of exchanging despatches and consultations was prolonged even further. It is interesting to note that during the Governorship of Hodson alone, the Secretaries of State changed five times: Sir Philip Cunliffe-Lister (November 1931 to June 1935); Malcolm MacDonald (June 1935 to November 1935); J. H. Thomas (November 1935 - May 1936); W. G. A. Ormsby-Gore

(May 1936 - May 1938); Malcolm MacDonald (May 1938 - May 1940). ¹

The result was that although several proposals were made with regard to establishing Indirect Rule, very few of them were in fact implemented.

Because of all this, and due also to the educational and social change, by the mid 1940s, the Government became convinced that it was, after all, too late to introduce Indirect Rule on the lines explained by Slater in his Minute. Thus in order to save the disintegrating "Native Administrations", the Government tried to reconcile the principles underlying the Indirect Rule system and the demands of the intelligentsia and the sub-elite. This was the principle underlying the 1944 measures which started the move toward establishing local government bodies. The measures, however, proved to be too little and too late to satisfy the demands of the educated forces for self-government.

¹During the whole period under review (1925-1951), the changes in the British Government were: (1) Ramsay MacDonald's second Labour Government formed June 1929; (2) Ramsay MacDonald's first National Government formed August 1931; (3) Ramsay MacDonald's second National Government formed November 1931; (4) Baldwin's National Government formed June 1935; (5) Chamberlain's National Government formed May 1937; (6) Chamberlain's War Cabinet formed September 1939; (7) Churchill's War Cabinet formed May 1940; (8) Churchill's Caretaker Government formed May 1945; Attlee's Labour Government formed July 1945; (10) Churchill's Conservative Government formed October 1951. A. J. P. Taylor, English History, 1914-45, Oxford, 1965.

CHAPTER SIXTHE AFRICANS' OPPOSITION TO DIRECT TAXATION
AND THE STOOL TREASURIES SYSTEM

As we have seen in chapter one, the advocates of the Indirect Rule system believed that among the essential features for the success of such a system was a properly regulated treasury and a regular annual direct tax. This tax would be available to remunerate the chief and the other functionaries of the "Native Administration" and to defray the cost of local services and works of improvement. In his The Dual Mandate, which is generally accepted to be the authoritative work on the principles of Indirect Rule, Lugard explained that the fundamental basis upon which the policy of Indirect Rule rested was,

the assignment to the native rulers of a definite revenue with which to pay the salaries of their officials, and to inaugurate schemes of development. This revenue must obviously be found by taxation . ¹

He also held that,

without a tax there can be no treasury, and without a treasury no real eventual measure of self-rule . ²

In the Gold Coast, however, the system of Indirect Rule had been most clearly distinguished, in contrast, for example, to that in Nigeria or Tanganyika, by the absence for a long time of any regulated treasury system and of legal provisions for the exercise by the Colonial Government over the finance of the stools.

In this chapter we shall attempt to examine and explain why the colonial Government's policy of establishing properly regulated stool or state treasuries and imposing an annual tax or tribute for the upkeep of the "Native Administrations" or "Native Authorities", had been delayed for a very long time and why when finally introduced

¹Lugard, The Dual Mandate in British Tropical Africa, fifth edition, 1965, 230.

²Ibid., 219.

it was vigorously opposed and resisted by the Africans.

The history of direct taxation in the Gold Coast could be traced back to the Poll Tax Agreement (or Ordinance as it is usually referred to) of 1852. This was not primarily introduced with the aim of regulating the financial functions of the "Native Administrations", with which we are here concerned. Nevertheless it is important to discuss it briefly. This because, as Kimble rightly noted, ever since the "unhappy experience" of that tax, the people developed an intense dislike and suspicion of any form of direct taxation.¹ This suspicion, as we shall later see, proved to be a great obstacle when the colonial Government finally decided to impose a direct tax for the maintenance of the different functions of the "Native Administrations".

The Poll Tax was introduced when, faced by a substantial decrease in the revenue from import duties, Governor Hill succeeded in calling together some of the leading chiefs who constituted themselves in a "Legislative Assembly" and passed, among other measures, the Poll Tax Ordinance.² The Ordinance provided that the tax would be one shilling a head each year for every man, woman and child under British protection. It was estimated that the tax would yield £20,000 per annum.³ Section eleven of the Ordinance provided that the revenue derived from this tax, after the payments

¹D. Kimble, A Political History, 425.

²C.C. Reindorf, The History of the Gold Coast and Ashanti, 325.

³P.R.O., C.O. 96.700/7109. "Memo on the Introduction of Direct Taxation in the Gold Coast Colony", dated 27.7.1931, by the S.N.A., W.J.A. Jones, enclosure in conf. despatch (B) of 31.10.1931 from Slater to J.H. Thomas.

of stipends to the chiefs and paying for the costs of collecting the tax, would be devoted to public improvements such as education, communication and increased medical facilities. ¹

The first collection of the tax was given "quietly and cheerfully", but in 1854 the people of Christianborg, Labadi and Teshi met and resolved not to pay the tax even if this was to lead to war with the colonial administration. ² The Government reacted by bombarding these villages. Several houses were burnt, at least thirteen persons were killed and many others injured. ³ In spite of this, however, the Government failed to make the people pay the tax and although it was estimated that the tax would yield £20,000 per annum, during the eight years it remained in force only £30,286 was collected. ⁴ The collection of the tax was abandoned in 1861 and the Ordinance was formally repealed in 1886.

Several factors could account for the failure of the Poll Tax, the principal one, perhaps, being that none of the improvements which the chiefs and their people had been promised such as the provisions of schools, hospitals and roads had taken place. ⁵ Another factor for the failure of the Poll Tax was that its collection was not entrusted to the chiefs but to semi-literate officers employed by the Government. These officers worked independently of, and were consequently obstructed by, the chiefs whom they probably professed to despise because of their illiteracy.

¹Quoted in J.M. Sarbah, Fanti National Constitution, 101.

²C.C. Reindorf, op. cit., 326-327.

³Ibid., 334.

⁴P.R.O., C.O. 96.700/7109, op.cit.

⁵Ibid.

These officers were doubtless guilty of far greater extortion than would have been the chiefs, if the collection had been carried out through them.¹ The chiefs, on their side, complained that the Government had neglected to consult them with regard to the expenditure of the money collected and that it failed to pay them the stipends they were promised.²

The abandonment of the Poll Tax, as Kimble observed, created the impression among the people that direct taxation was "an unjust imposition to be resisted at all costs".³ It also encouraged the idea that Government would yield to continued pressure. The colonial Government, on its part, fearing a potential African opposition to direct taxation, was discouraged to formulate new proposals. The formal assumption of sovereignty by the British in 1874 was not marked, as was the case in most other British possessions in Africa, by the imposition of a direct tax.⁴ The hesitant manner in which the British acquired the Gold Coast Colony itself encouraged the Gold Coast nationalists in their contention, whenever the question of taxation was raised, that since the British had not acquired the "Colony" by conquest then it followed that they had not acquired the right to impose a tax on the people.⁵

The Native Jurisdiction Ordinance of 1883, which remained in force until 1927, was primarily concerned with the reform of the chiefs' tribunals. It made no effort to regulate the fiscal powers

¹ Ibid.

² Ibid.

³ D. Kimble, A Political History, 191.

⁴ Ibid. Also, Lord Hailey, Native Administration in the British African Territories, part III, 200.

⁵ J.E. Casely Hayford, Gold Coast Native Institutions, London, 1970, (first edition 1903).

of the chiefs.¹ The Ordinance was absent of any provision for the establishment of stool treasuries or for their control when established. The colonial Government wanted to provide the chiefs, whom it considered as effective tools in ruling the people, with some definite source of revenue to meet the responsibilities of their office but was seemingly not ready to risk another outburst of opposition as happened in 1852. Even Governor Hugh Clifford who was clearly sympathetic to giving the chiefs more powers, expressed strong views in favour of continuing the policy of not imposing direct taxation on the people. As early as 1915 he stated that:

direct taxation is a system of raising revenue which in this part of West Africa is opposed to sound policy and creates a feeling of discontent which is very dearly purchased at the cost of the insignificant financial results thereby secured.²

Three years later he held the same view and asserted that it was his emphatic conviction that the introduction of direct taxation would be "a political blunder".³ His words were very prophetic as we shall later see.

Perhaps the first time the Government formulated a comprehensive direct taxation scheme specifically designed to provide revenue for the upkeep of the "Native Administrations" was in 1926. In that year C.W. Welman, the Secretary for Native Affairs presented to W.G.A. Ormsby Gore, the parliamentary Under Secretary who was then visiting the country, a memorandum entitled Direct Native Taxation and the share of Native Governments in the

¹ Lord Hailey, Native Administrations, Part III, 201-02.

² P.R.O., C.O. 96.700/7109, quoted in conf. despatch of 31.10.1931 from Slater to J.H. Thomas.

³ Ibid.

produce of Taxation.¹ After referring to the financial difficulties encountered by the chiefs, the Secretary for Native Affairs stated that the time had come when a system of direct taxation should be devised and organised so as to provide the chiefs with some definite source of revenue in order to

".....meet the respectable maintenance of themselves and their households and to furnish a fund, which could be applied to minor works of public utility in their territories".²

He proposed that the principle on which the establishment of such taxation should rest was that the chiefs should be authorised to raise revenue, within certain limits, from all persons living in their jurisdiction.³ He suggested that the tax would be of one shilling a year per head of the population.⁴

The Under Secretary agreed with the Secretary for Native Affairs on the need of providing the chiefs with a regular source of revenue. In his report on his visit to West Africa, Ormsby Gore referred, with regard to the Gold Coast, to the limited and irregular source of revenue of the stools and suggested that the Government should enact a scheme authorising the chiefs to levy a tax.⁵ He maintained that if the proceeds of such taxation were wholly applied to stool revenue he saw no reason why the people should oppose it.⁶

¹P.R.O., C.O.96.663. "Direct Native Taxation and the Share of Native Governments in the Produce of Taxation", a memorandum of February 1926, by the S.N.A., C.W. Welman.

²Ibid.

³Ibid.

⁴Ibid.

⁵Report by the Hon. W.G.A. Ormsby-Gore, M.P. (Parliamentary Under-Secretary of State for the Colonies), on his visit to West Africa during the year 1926. Cmd. 2744.

⁶Ibid.

Finally, he stressed that

"I regard the establishment of stool treasuries both in the Colony and Ashanti as a principle of policy of cardinal importance for the future stability and development of native institutions". ¹

Guggisberg himself was clearly enthusiastic towards strengthening the authority of the Paramount Chiefs and thus not unsympathetic to the proposals of both his Secretary for Native Affairs and the Under-Secretary. He was, however, of the opinion that it was not yet opportune to take any steps in regard to the establishment of stool treasuries in the Colony. ² He added that it was desirable that the Provincial Councils should initiate such innovation. ³

Apart from that, Guggisberg appeared more interested in major works of development than in providing minor local services and this partly explained his apparent lack of enthusiasm for the promotion of treasuries and taxation in local authorities. Guggisberg's idea of strengthening the authority of the Paramount Chiefs aimed primarily at giving them, in contrast to the intelligentsia, a more political role in the national leadership, but he never seemed to have realised that this could not really be adequately achieved if their financial difficulties were not solved.

Finally, Guggisberg must have realised that any attempt to impose a tax or establish stool treasuries, at a time when there was

¹Ibid.

²P.R.O., C.O. 96.675/4546. quoted in despatch No. 641 of 19.8.1927 from Slater to L.S. Amery.

³Ibid.

what could be described as a nationwide protest against the 1925 constitution and the Provincial Councils, would certainly be a complete fiasco.¹ Accordingly, he took no step to implement the proposals put forward by the Secretary for Native Affairs and the Parliamentary Under-Secretary.

Meanwhile, the financial conditions of the chiefs continued to deteriorate. Some of the chiefs were fortunate in having a regular and substantial income from the proceeds of the mineral and agricultural concessions. But these were very few, and in the majority of the states, court fees and fines comprised the only revenue available for the maintenance of the stool. Such a source of revenue was not only irregular and insecure but was also insufficient to provide adequately for the public services or to allow any real progress to be made.

What made things even worse for the chiefs was that the cost of litigation had increased very considerably.² The cocoa industry was indirectly responsible for this in that with the development of that industry, land had increased in value and as a result rival claims became acute and protracted.³ In addition, the people, particularly the young men, were becoming increasingly critical of the way the chiefs were administering the finance of the stools. In fact, the people's accusations of their chiefs of

¹For more details on the Africans' protest against the Provincial Councils, see chapter three above.

²For example, Sir Gordon Guggisberg, The Gold Coast: A Review of the Events of 1924-25, Accra, 1925, Government Printing Dept., 126.

³Ibid.

maladministrating the funds of the stools were becoming one of the main causes of the steadily increasing number of destoolments.

Such was the financial situation of the chiefs when the Native Administration Ordinance was passed in 1927. The Ordinance, however, like the 1883 Ordinance before it, made no specific provision for the establishment of stool treasuries or imposition of a tax. The Ordinance only vaguely authorised a Paramount Chief to make by-laws providing for the "good government and welfare" of the people in his state.¹

Some of the Paramount Chiefs, however, mistakenly thought that the Native Administration Ordinance would enable them to make by-laws for the establishment of treasuries and imposition of a tax. Accordingly, and also apparently encouraged by Guggisberg's opinion that it was desirable that the establishment of treasuries should be initiated by the Paramount Chiefs, the Konor of Many Krobo state, in the Eastern Province, forwarded to the Government for approval a list of by-laws which his state council had passed in December 1927.² This list of by-laws proposed to establish a state treasury and to impose a land and fishing taxation scheme.

Governor Slater was very sympathetic to the Konor's proposals but he realized that the Native Administration Ordinance nowhere provided for such matters as establishing a stool treasury or imposing a tax. Accordingly, the Governor informed the Konor

¹Section 40 of the N.A.O., No. 18 of 1927.

²G.N.A., Accra, ADM.11/928, case No.32. Minute of 13.3.1929 on Stool Treasuries.

that he could not approve of his proposed list of by-laws.¹ The Governor, however, added that the Government would be preparing a model state treasuries by-laws for the whole Colony which would be sent to the Provincial Councils for their views.²

The Omanhene of Akim Abuakwa, Nana Ofori Atta, also mistakenly thinking that the Native Administration Ordinance would enable Paramount Chiefs to pass by-laws establishing a treasury and imposing a tax, forwarded in May, 1928, a set of "state treasury by-laws" providing for the establishment of a state treasury and for the imposition of certain cocoa taxes on farms owned by "strangers" in his state.³

Once again the Omanhene was informed that the Native Administration Ordinance did not empower a Paramount Chief to impose a tax.⁴ The Omanhene was displeased with this reply and claimed that a state council had the right under custom, to tax "strangers" cultivating land within its state even without the consent of the Central Government.⁵ The Government replied that while the state councils could not be granted that measure of financial independence which the Omanhene claimed on their behalf, the Central Government should not reserve to itself the right to impose a tax but should delegate this power by an Ordinance to the "Native Authorities" whose imposts would become legal and enforceable only when they

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

⁵Ibid.

received the Governor's approval.¹ Ofori Atta must have felt upset to realise that the Ordinance which he himself introduced in the Legislative Council a year ago was now proving inadequate for regulating the fiscal matters of the stools.

Meanwhile, and apparently encouraged by what Ormsby-Gore said in his report on his visit to West Africa of the need for establishing stool treasuries in Ashanti and the Colony, Governor Slater passed in 1927 the "Ashanti Stool Treasuries Ordinance, No. 10 of 1927". The Ordinance empowered the Governor to make regulations providing for the establishment, constitution and management of stool treasuries.² The Ordinance gave the administrative officers full control over the keeping, inspection and audit of the accounts of the stool revenues and expenditure.³

The Ashanti Stool Treasuries Ordinance was not met by opposition in Ashanti. Encouraged by this, the Government decided in 1928 that an Ordinance on the lines of Ashanti Stool Treasuries Ordinance would be the best way of establishing stool treasuries in the Colony.⁴ Accordingly the Government asked the Provincial Councils for their views on this proposal.

In its reply to the Government the Council of the Central Province put forward the following conditions for the acceptance of the proposal:

(1) that it should be left entirely with the different states to make

¹Ibid.

²Section 2 of the Ashanti Stool Treasuries Ordinance No.10 of 1927. This Ordinance was forwarded to the C.O. under cover of despatch No. 641 of 19.8.1927 from Slater to L.S. Amery; P.R.O., C.O.96 675/4546.

³Ibid.

⁴Annual Report of the Native Affairs Department 1929-30. Also Leg.Co. Debates 1930-31.

their own arrangements with regard to such system of taxation as they might consider feasible;

(2) that all accounting and management of a stool treasury should be left with the state concerned;

(3) that no state be obliged to keep a banking account in connection with its treasury;

(4) that no state be obliged to submit its accounts to the Government. ¹

In short, what the Council of the Central Province wanted was that apart from giving statutory effect to the establishment of stool treasuries, the Government should not interfere in the control and management of these treasuries.

The Council of the Western Province, while agreeing to the principle of establishing properly regulated stool treasuries, also made it clear that it was rejecting the amount of control which the Government had on the stool treasuries in Ashanti. ²

The Council of the Eastern Province, apparently under the influence of the Omanhene of Akim Anuakwa and the Konor of Manya Krobo, who both had already, as we have seen, expressed their wish to establish stool treasuries, declared itself in favour of the Government's proposal and made no objection to Government control over stool treasuries. ³

So, as during 1925-1927 when the Paramount Chiefs of the

¹ G.N.A., Accra, ADM.11/928, case No. 32, Minute of 13.3.1929 on Stool Treasuries.

² Ibid.

³ Ibid.

Eastern Province, under the leadership of Ofori Atta, wholeheartedly welcomed the Provincial Councils system and Native Administration Ordinance while the majority of the Paramount Chiefs of the Central and Western Provinces strongly opposed these measures, there was now in 1929 a similar split, although less acute, on the question of stool treasuries. This cleavage between the Paramount Chiefs of the Eastern Province on the one hand and those of the Western and Central Provinces on the other continued well into the 1930's, as we shall later explain.¹ In fact at one time the cleavage looked like one between pro and anti Government factions respectively. It seemed that the Government policy of "divide and rule" not only aimed to divorce the intelligentsia from the Paramount Chiefs but also to divide the latter among themselves.

Not surprisingly, Governor Slater refused to accept the views of the Councils of the Central and Western Provinces to the effect of establishing stool treasuries without giving the Government a substantial measure of control over them. But at the same time, and as a result of the objections raised by these Councils, Slater was convinced that the time was inopportune for the establishment of a stool treasuries system in the Colony.²

Meanwhile, Slater wrote his Minute: Native Administration in the Gold Coast and its Dependencies in which he explained his views on the principles and application of the Indirect Rule system.³

¹See p.229 below.

²P.R.O., C.O.96/675/4546, despatch of 19.8.1927 from Slater to L.S. Amery.

³P.R.O., C.O.693/6599, "Native Administration in the Gold Coast and its Dependencies", a conf. Minute of 16.12.1929 by A.R. Slater.

With regard to the fiscal and financial powers of the chiefs Slater (following Lugard) held that

the foundation of any stable system of Indirect Rule must be the duly regulated stool treasury, and the development of the system will largely depend on the regularity and extent to which the revenue of those treasuries can be maintained.¹

Furthermore, Slater argued that

The Government of the Gold Coast is finding it increasingly difficult to meet the demands made upon it for the satisfaction of local needs, and as a matter of principle it is objectionable that purely local expenditure should be a charge on the revenue of the Central Government. Local needs in Nigeria and elsewhere are satisfied by the expenditure by Native Administrations (under due guidance) of funds collected from the localities concerned, and there seems no reason why a similar system should not be gradually established in the Gold Coast. Indeed, with the tendency of the Colony's recurrent expenditure to overtake the revenue it seems probable that in a short time no Government funds will be available for parochial purposes.²

Notwithstanding that direct taxation in the Gold Coast was traditionally regarded with disfavour, Slater believed that if the proceeds of such taxation were handed over to the "Native Administrations" for the benefit of the localities in which the tax was raised, there would presumably be fewer objections.³

The Colonial Office favourably welcomed Slater's views and agreed with him that the introduction of direct taxation was necessary for the effective establishment of Indirect Rule. Encouraged by this, Slater sent to Nigeria in May 1931, his Secretary for Native Affairs, W.J.A. Jones, to study the system of Indirect Rule on the spot and then to advise on the best way of finding funds for the

¹Ibid.

²Ibid., "original emphasis".

³Ibid.

"Native Administrations" in the Gold Coast. After his visit to Nigeria, W.J.A. Jones submitted a lengthy memorandum containing his proposals on the introduction of direct taxation in the Gold Coast.¹

Depending largely, if not entirely, on this memorandum, Slater forwarded in October 1931, a comprehensive taxation scheme.² Slater was very keen to emphasise that direct taxation was indispensable to the proper foundation of Indirect Rule and that the Government's primary objective in introducing it was to provide a "legitimate and regular" form of revenue for the chiefs.³

Although it was the strong belief of Slater that, as a matter of principle, direct taxation was a necessary measure for the development of a successful system of Indirect Rule, he was clearly motivated by other considerations in his attempt to introduce direct taxation. The World trade depression had halved the price of cocoa and as a result the Government revenue, which was dependent on custom duties which itself was largely dependent on the price of cocoa, decreased considerably. The Government increased the customs duties and retrenched some of its staff but this could not make up for the deficit which occurred as the result of the substantial decrease in the cocoa price.⁴ Hence the Government sought a solution in direct taxation.

¹ P.R.O., C.O.96.700/7109, "Memorandum on the Introduction of Direct Taxation in the Gold Coast", 27.7.1931, by W.J.A. Jones, the S.N.A. enclosed in conf. despatch (B) of 31.10.1931 from Slater to J.H. Thomas.

² P.R.O., C.O.96.700/7109, conf. despatch (B) of 31.10.1931 from Slater to J.H. Thomas.

³ Ibid.

⁴ For example, P.R.O., C.O.96.696/6830/A.pt.2, conf. despatch of 16.8.1931 from Slater to Lord Passfield.

Further, the Government considered the introduction of direct taxation to be a corollary of the abolition of forced labour. Under section Four of the Roads Ordinance, the colonial Government and the chiefs used to call upon the people to maintain the roads and perform other public works without paying them. But due to the Forced Labour Convention entered into by Britain in 1930, it became clear that the colonial Government and the chiefs could no longer mobilise the people for work without paying them. The Secretary for Native Affairs unashamedly argued that the people should accordingly pay "a redemption price" [i.e. a direct tax] from Forced labour. ¹

In addition, the Government had in 1929 and 1930, and due to a strong demand by the unofficial African Members of the Legislative Council and other African individuals, introduced legislation restricting the sale and increasing the cost of all spirits, and in the case of gin, gradually decreasing its import until in ten years time it would cease altogether. ² As a result of these measures, the revenue derived from the import of spirits decreased from £1,456,161 in 1928 to £625,939 in 1930, a loss of £830,222. ³ The Government argued that since this loss was made

¹ P.R.O., C.O.96.700/7109, "Memorandum on the Introduction of Direct Taxation in the Gold Coast", 27.7.1931, by W.J.A. Jones, the S.N.A. enclosed in conf. despatch (B) of 31.10.1931 from Slater to J.H. Thomas.

² These restrictions led to the increase in illicit distillation. As a result by the mid-1930s, the Government decided to abandon the policy of "restrictions". There is a great deal of material on the controversy of prohibition of imported spirits. See for example, P.R.O., C.O.96.683/6308; P.R.O. C.O.96/685/6337; P.R.O., C.O.96.696; The Times, 28.3.1929, 6.4.1929; The Gold Coast Leader, 9.1.1929, The Times of West Africa, 4.11.1933; The African World, 13.4.1929.

³ P.R.O., C.O.96.700/7109, conf. despatch of 31.10.1931 from Slater to J.H. Thomas.

as a result of an African demand, then Africans should make up for some of that loss by paying a direct tax.¹

Slater's proposals with regard to the introduction of direct taxation were in two forms: (1) an Income Tax Ordinance; and (2) a Native Administration Revenue Ordinance. The former, though intended to be applied to the three coastal towns where a form of local government had been instituted, was still introduced within the framework of Indirect Rule. The Government thought that it would be a good move politically to subject to direct taxation first the wage earners of the towns and then after a year or so apply the tax to the rural areas and thus divide African opposition to its Direct Taxation scheme.² The Government's plan to divide the Africans' opposition, however, failed. Not only did both the rural and urban areas join in the campaign against the proposed Income Tax Ordinance but the effect of this campaign became prejudicial to the principal part of the Government's Taxation scheme, namely the proposed Native Administration Revenue Ordinance.³ Thus it would not be out of place to outline here the Africans' campaign against the Income Tax in some detail.

The proposed Income Tax Ordinance provided for a tax at the rate of 6d. in the pound on all income over £40 a year.⁴ The Government hoped this would yield £91,000 a year. The Bill was first published in September, 1931, but the Governor made it clear that he did not intend to apply it until the first of April, 1932.⁵

¹In fact this loss was partly made as a result of the decrease in the cocoa price. See for example, N.A. Cox-George, Studies in Finance and Development: The Gold Coast (Ghana) Experience 1914-1950, London, 1973.

²P.R.O., C.O.96.699/7050/A. conf. despatch of 16.8.1931 from Slater to Lord Passfield.

³P.R.O., C.O.96.708/1662, Notes regarding the introduction of direct taxation in the Gold Coast (N.D.).

⁴P.R.O., C.O.96.699/7050A, conf. despatch of 16.8.1931 from Slater to J.H. Thomas.

⁵Leg.Co.Debates 1931.

The opposition to the Income Tax first disclosed itself in Sekondi, where a meeting was held on the 26th of October, 1931, and resolved its

vehement protest against any proposal on the part of the Government of the Gold Coast.....to the levy of the Income Tax proposed¹

The meeting was attended by the two Paramount Chiefs of the town, "almost all" the lawyers in the town and a large gathering of the people.² Following the meeting, a big demonstration was arranged and some of the Government Officials were physically attacked. The various inscriptions displayed by the demonstrators on flags were forcefully against the measure, such as:

Income Tax is akin to slavery;
We shout down the Income Tax till we are hoarse ;
Awake, Gold Coast, to your sense of inherent liberty ;
We protest against the iniquitous Tax.³

The next day, the demonstrations spread to Shama, which is about six miles from Sekondi, and stones were thrown at the Acting Provincial Commissioner.⁴

Two days later still a similar demonstration took place at Cape Coast and a confrontation between the people and the Police led to "considerable stone throwing" at the police and other Government officials as a result of which one police officer and one constable sustained injuries and the windows of the police station were broken.⁵ Eleven persons were arrested in connection with the demonstration and eight of them were sentenced to three months imprisonment each with hard labour.

¹ P.R.O., C.O.96.699/7050/B, conf. report by the Commissioner of Police, Western Province, enclosure in conf. despatch of 3.11.1931 from Slater to J.H. Thomas.

² Ibid.

³ Ibid.

⁴ P.R.O., C.O.96.699/7050/B, letter of 30.10.1931 from Acting Commissioner of Western Province to C.S., Accra, enclosure 5 in conf. despatch of 3.11.1931 from Slater to J.H. Thomas.

⁵ P.R.O., C.O.96.699/7050/B, conf. despatch of 31.10.1931 from Slater to J.H. Thomas; Also, The Times of West Africa, 28-29.10.1931.

The strong opposition of Cape Coast to the Income Tax was not at all surprising. The town was the headquarters for the A.R.P.S. which together with the Omanhene and the Asafo had been very objectionable to the Provincial Councils and the Native Administration Ordinance.¹ The A.R.P.S. was apparently very keen to put on a show of strength in an attempt to demonstrate to the Government that it, and not the Provincial Councils, still had the support of the people and should thus still be considered the "medium of communication" between the people and the Government. Besides being active in the demonstration of Cape Coast, the A.R.P.S. held a conference to discuss the Income Tax, passed a resolution against the measure and telegraphed the Governor asking for its withdrawal.² The Governor himself was convinced that "much of the trouble" at Cape Coast against the Income Tax was due to "the attitude of obstructive and unreasoning opposition to Government by the A.R.P.S."³

No demonstrations took place at Accra but a meeting attended by many of the chiefs of the Ga state and the educated elite was held in November, 1931. The meeting expressed its rejection of the measure and petitioned the Governor asking for its withdrawal.⁴

¹For more details, see chapter 8 below.

²G.N.A., Cape Coast, ACC.No.137/65, The A.R.P.S.'s, Papers, letter of 3.12.1931 from J.P. Brown, President of the A.R.P.S. to the C.S., Accra.

³P.R.O., C.O.96.704/7260, conf. despatch of 2.4.1932 from Slater to Sir P. Cunliffe-Lister.

⁴P.R.O., C.O.96.699/7050/B. "Report on the mass meeting held on 10.11.1932 at Accra in connection with Income Tax", enclosure in Governor's despatch of 17.11.1931.

By and large the Africans' opposition to the Income Tax was far more united and intense than the Government anticipated. The Secretary for Native Affairs admitted that "the opposition to the Bill has been organised more rapidly than I had anticipated and is proving all the more effective".¹ Other senior officials advised the Governor that the agitation against the Income Tax was threatening to jeopardize the probability of securing concurrence of the up-country chiefs to the propaganda which the Government was proposing to carry on for the establishment of Indirect Rule.²

So as a result of the Africans' strenuous opposition to the Income Tax measure and fearing that this might be prejudicial to the wider policy of direct taxation (i.e. the proposed Native Administration Revenue Ordinance), Slater decided in November, 1931, to postpone the introduction of the Income Tax and stated that it and the Native Revenue would be promoted together later as complimentary measures.³ In fact the question of Income Tax was never again raised until 1943.

The other form of Slater's proposed taxation scheme was a "Native Administration Revenue Ordinance" which was intended to be applied simultaneously to Ashanti and the Colony (with the exception, however, of the towns which were administered under some form of local government).⁴ This proposed Ordinance empowered the chiefs

¹ P.R.O., C.O.96.699/7050A, quoted in conf. despatch (A) of 16.11.1931 from Slater to Sir P. Cunliffe-Lister.

² Ibid.

³ Ibid.

⁴ P.R.O., C.O.96.700/7109, conf. despatch (B) of 31.10.1931 from Slater to J.H. Thomas.

to establish treasuries, under the close supervision of the administrative officers, and to levy a tax.¹ The tax was proposed to be levied on all males at the rate of 2 $\frac{1}{2}$ % on gross annual income.² The Government hoped that this would yield about £400,000 a year to be divided in equal amounts among the Government and the "Native Administrations".³ Of the portion paid to the latter, the chiefs would be paid a definite amount totalling 10% while the remaining 40% would be spent on local services. It was proposed that the assessment of the tax, (which was to be a system of lump sum assessment), would be carried out by the District Commissioners in co-operation with the chiefs and their elders.⁴ The collection of the tax was, however, entrusted to the "Native Administrations" working under the supervision of the District Commissioners.

According to the Government's plan, the Native Administration Revenue measure was to come into force at the beginning of the financial year 1933/34, after the Government's anticipated Income Tax had been enforced in the towns. In spite of the opposition to the Income Tax which resulted in its postponement, the Government nevertheless decided to continue with introducing the Native Administration Revenue measure. The administrative officers were accordingly instructed to embark on a propoganda campaign among the people, explaining to them the benefits and necessity of introducing the measure.

The Secretary for Native Affairs was particularly very

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

active and addressed several meetings of the chiefs trying to convince them to accept the measure. In December, 1931, for example, he met the Provincial Council of the Eastern Province and made a lengthy speech on the benefits of the measure. He asserted to the Paramount Chiefs convening that:

it is only in the school of local government that you will learn self-government and there can be no local government until a system of direct taxation is introduced to provide the state councils with funds to maintain and extend social services in the various states. ¹

The Governor also pointed out in his speech to the Legislative Council in March, 1932, that, in his opinion, the most important condition for the proper development of "Native Administrations" was the delegation to them of financial responsibility, which could only be exercised if the duty of raising revenue locally, as well as disbursing it, was entrusted to them. ²

The Government's propaganda campaign seemed to have some initial success. The Provincial Council of the Eastern Province, under the influence of Ofori Atta, who clearly declared himself in favour of the measure, passed a resolution in December, 1931, welcoming the Government's proposal and urged it to prepare "without any undue delay" the Bill for the consideration of the Provincial Councils. ³

¹ G.N.A., Accra, C.S.O. 1573/31, "Copy of a speech made by S.N.A. at a meeting of the Provincial Council of Eastern Province on 10.12.1931".

² Leg. Co. Debates, 1932.

³ P.R.O., C.O. 96.704/7260, "Resolution by the Provincial Council of the Eastern Province", 16.12.1931, enclosure in Governor's conf. despatch of 20.9.1932.

In April, 1932, a full meeting of the three Provincial Councils was held specially at Saltpond to discuss the Native Administration Revenue measure. This was the first time the members of the Provincial Councils had met jointly since the inception of these Councils in 1925.¹ At the meeting, the members of the Provincial Council of the Western Province and those of the Central Province - with the exception of only the Omanhene of Winneba - rejected unconditionally the proposed Native Administration Revenue Ordinance.² Nana Aduku, Omanhene of Mankessim, expressing the opinion of the Central Province, stated that:

In the Central Province Council we do not want undue Government interference in our local affairs. I do not think that it is a wrong attitude. When we tax ourselves we do not want Government to come in and say you must give us so much of what you collect³

The members of the Provincial Council of the Eastern Province were, however, in favour of the measure providing that it did not include a provision giving the Central Government a part of the proceeds.⁴ The old cleavage between the Councils of the Central and Western Provinces on the one hand and the Council of the Eastern Province on the other came again to the surface. The colonial administration once again succeeded in divorcing the Council of the Eastern Province from the other two Councils.

¹For the proceedings of this meeting, see G.N.A., Accra, C.S.O. 38 9/32: P.R.O., C.O.96.704/7260, particularly conf. enclosure "D" in conf. despatch of 20.8.1932 from Acting Governor to Sir P. Cunliffe-Lister.

²Ibid.

³P.R.O., C.O.96.704/7260, "Notes of the Proceedings and Happenings in connection with the united mass conference of Provincial Councils held at Saltpond from 19th to the 23rd April 1932", enclosure "D" in conf. despatch of 20.8.1932 from Acting Governor to Sir P. Cunliffe-Lister.

⁴Ibid.

The Eastern Province Council's acceptance of the Native Administration Revenue measure was strongly resented by the people who gathered at the place of the conference at Saltpond.¹ An organised demonstration hooted Ofori Atta and some of the demonstrators tried to seize some of his paraphernalia and stones were thrown at his car.² It was also rumoured that the people would be attacking, during the night, the houses in which Ofori Atta and the Omanhene of Winneba were staying, but this was averted as the Government posted "all available Police" round the two houses.³ In fact, the Government did not fail to come to the aid of Ofori Atta and the other members of the Eastern Province Council and more Police were brought from Cape Coast to protect them. The Assistant District Commissioner met the President of the Eastern Province Council and assured him of the "wholehearted support of the Government and of every protection by the Police".⁴

At the end of the conference, there was some confusion and disagreement and the members of the Eastern Province Council left without signing or even acknowledging the resolution adopted by the rest of the members of the conference. The resolution itself, which was signed by the Councils of the Western and Central Provinces, emphatically declared that the Paramount Chiefs were not prepared "under any circumstances" to accept the proposed Native Administration Revenue Ordinance.⁵

¹ G.N.A., Accra, C.S.O.389/32, minutes on "Disturbances at Saltpond on the occasion of the meeting of J.P.C., April 1932"; The Times of West Africa, 26.4.1933.

² G.N.A., Accra, C.S.O.389/32, letter of 29.4.1933 from Acting Commissioner of Central Province to C.S., Accra.

³ Ibid.

⁴ Ibid.

⁵ P.R.O., C.O.96.704/7260. A copy of this resolution is enclosed in conf. despatch 20.8.1932 from Acting Governor to Sir P. Cunliffe-Lister.

The Native Administration Revenue measure was also strongly attacked in the press. The Gold Coast Times, for example, refused the Government's contention that the measure was a necessary step for the establishment of a "local government" in the rural areas.¹ The Times insisted that the Government was merely trying to transfer some of its responsibilities to local administrations so that local development would be met by taxes on the people while the officials were enjoying the revenue of the country. The Times was, in fact, echoing the argument often repeated by the critics of Slater's Taxation Scheme, namely, that the amount of money which was devoted to the salaries, allowances and other privileges of the European officials was excessive and that instead of imposing direct taxation on the people, the Government should first cut down these salaries and allowances.²

The Government had argued in its propaganda campaign that in authorising the chiefs to impose a tax, it was not creating a new innovation since it had long been the custom for a Paramount Chief, with the concurrence of his people, to exact levies at irregular intervals for specific purposes. But it can be argued that there was a difference between irregular or ad hoc tributes which were voluntarily paid by the people for particular aid for their state and the imposition of an annual regular tribute for "Native Administrations".³ The latter was certainly not sanctioned by any indigenous custom.

¹ The Gold Coast Times, 4.10.1932.

² For example, P.R.O., C.O.96.696/6830/C, conf. despatch of 16.11.1931 from Slater to Sir P. Cunliffe-Lister; P.R.O., C.O.96.699/7050, Minute of 16.12.1931 by A. Fiddian.

³ G.N.A., Accra, C.S.O., 372, S.F.29. Notes by the Deputy Governor.

The Vox-Populi described the measure as a "veiled desire on the part of the Government to import a system of local Government that is completely foreign, undesirable and incompatible with the sentiment and system of the land".¹ It urged the people to oppose the measure vehemently and blamed those chiefs who were accepting it.²

As during the campaign against the Income Tax, the A.R.P.S. was also active in the campaign against the Native Administration Revenue measure and held several conferences explaining and urging the chiefs and the people to oppose it.³ At one of these conferences, held at Cape Coast in January and February, 1932, the Society maintained that the measure proposed to introduce in the Gold Coast a Nigerian type of Indirect Rule which was "contrary to the spirit of our institution".⁴ The Society asserted that it could not consent to any legislation which tended to create in the Gold Coast the system of Indirect Rule.⁵ The Society also repeated its favourite argument that imposition of direct taxation was a violation on the part of the British Government of the "term of their character of settlement".

The A.R.P.S. was also very active in the demonstrations which, as we have seen, took place during the conference of the Joint Provincial Council which was held at Saltpond in April 1932.

¹The Vox-Populi, 22.6.1932.

²Ibid.

³G.N.A., Cape Coast, ACC.No.11/64, A.R.P.S's. Papers.

⁴G.N.A., Cape Coast, ACC.No.11/64, A.R.P.S's. Papers, Notes on "Conference of the Gold Coast A.R.P.S. held at Cape Coast, Jan. and Feb. 1932.

⁵Ibid.

In fact, the Acting Commissioner of the Central Province complained that these demonstrations were caused by "malcontents sent over from Cape Coast by the A.R.P.S. in order to interrupt the peaceful proceedings of the meetings, and these together with some of the more irresponsible inhabitants of Saltpond were entirely responsible for the trouble which took place".¹

The campaign against the Native Administration Revenue measure was so vehement and successful that the Government decided to withdraw it. Certainly Slater could not have chosen a worse time to introduce his taxation scheme. The early 1930's was a period when the world-wide economic crisis generated instability in the cocoa market and thereby increased the economic grievances of the cocoa farmers. The Gold Coast cocoa farmers, in fact, blamed the European firms for the fall in the cocoa price and reacted by organising a hold-up in 1930/31. The hold-up was not very successful but the economic grievances, and with them the seeds of discontent, remained. The people could not pay a tax, even if they had been willing to, because they simply had no money.

Besides being inopportune due to the general economic hardships encountered by the people, Slater's taxation scheme perhaps came too late. By the early 1930's, the people of the Gold Coast had so long enjoyed freedom from direct taxation that this seemed to have induced in them a genuine belief that they had some inherent right to escape from it. Lord Lugard's prediction in 1922 that, if delayed, the imposition of direct taxation would lead to trouble, was very prophetic in the case of the Gold Coast.²

¹ G.N.A., Accra, C.S.O. 389/32, letter of 22.4.1932 from Acting Commissioner of Central Province to C.S., Accra.

² Lugard, The Dual Mandate, 219.

In any case, Slater had to abandon his Taxation scheme and this was certainly a serious drawback to the orthodox type of Indirect Rule as outlined in his Minute. Such a system of Indirect Rule could not be successfully established unless a tax was imposed on the people for the upkeep of the "Native Administrations".¹

Besides being opposed by the people for providing for the imposition of a tax, the Native Administration Revenue measure was equally opposed for purporting to give the colonial Government control over the stool treasuries. As we have already mentioned, the Government had wanted in 1928/29 to introduce in the Colony an Ordinance on the lines of the "Ashanti Stool Treasuries Ordinance" but due to objections raised by the Provincial Councils of the Western and Central Provinces the Government had to postpone the introduction of such an Ordinance. Now in September, 1931, on the same day the Income Tax was published in the gazette, the Government passed an amendment to section 40 of the Native Administration Ordinance making it lawful for a Paramount Chief to pass by-laws for the establishment and constitution of stool treasuries.² The amendment, however, did not empower the chiefs to levy a tax but only provided for the establishment of treasuries where an account could be kept of the existing customary revenues of the stools. In short, the amendment did not give the Government as substantial an amount of control over the treasuries as in Ashanti.³

¹ P.R.O., C.O.96.693/6599, "Native Administration in the Gold Coast and its Dependencies", A confidential Minute of 16.12.1929 by A.R. Slater.

² Leg.Co.Debates, 25.9.1931; also, P.R.O., C.O.96.697/6903/B, conf. despatch of 13.10.1931 from Slater to J.H. Thomas.

³ The S.N.A. admitted that the amendment fell short of what the Government wanted and warned the Paramount Chiefs that it was only a commencement and that unless there was a regular form of revenue the state treasuries would not fulfil the objective for which they were intended; see G.N.A., Accra, C.S.O., 1573/31, "Copy of speech made by S.N.A. at a meeting of the Provincial Council of Eastern Province on 10.12.1931".

The next month, Slater forwarded to the Colonial Office his Native Administration Revenue measure, and this time he ignored the objections raised in 1929 by the Provincial Councils of the Western and Central Provinces to any interference by the colonial administration in the management of their treasuries. The proposed Native Administration Revenue Ordinance not only provided for the establishment of stool treasuries but also gave the District Commissioner's full control over the accounts of these treasuries.¹ Naturally the chiefs of the Western and Central Provinces strongly objected to any control by the colonial Government over their treasuries.

It must be emphasised, however, that the chiefs were not objectionable to the principle of establishing stool treasuries but to the control of the Government over such treasuries. What the chiefs, or at least the majority of them, wanted was that the Government should provide them with the statutory legislation for establishing treasuries and levying a tax without claiming any control over those treasuries or asking for a share of the tax. Neither the 1931 amendment to the Native Administration Ordinance nor the Native Administration Revenue measure had fully met the chiefs' demands.

On their part, the people were very suspicious of the colonial administration's attempt to establish a stool treasuries system. The people's mistrust of such a system was, as A.K.Korsah explained, due to the fact that they were afraid that as soon as stool treasuries were established and constituted, the Government

¹ P.R.O..C.O.96.700/7109; conf. despatch (B) of 31.10.1931 from Slater to J.H. Thomas.

would take the opportunity to impose taxes on them.¹ Further, they viewed the system as a veiled attempt by the colonial Government to appropriate part of the revenue of their stools. One District Commissioner in the Central Province put the attitude of the people in the following terms:

As far as this Province is concerned the idea of stool treasuries might be yet unborn. Mention of the sentence is anathema. It is income tax in another form; it is a cunning device to secure control of the states' revenue²

This suspicion and mistrust on the part of the people of the Government's intention was in fact a formidable obstacle to the Government's policy of establishing stool treasuries. The result was that in spite of a strong propaganda campaign carried out by the Government in 1933 to encourage the chiefs to establish stool treasuries under the provisions of the 1931 amendment, very few did so and even where stool treasuries were established not all the sources of revenue were brought into them.³ Besides being discouraged by their people, the chiefs, in fact, saw no point - the amendment of 1931 not having empowered them to impose a tax - in establishing treasuries that did not add to their income and equally saw no reason why they should disclose their financial sources to the administrative officers.

Governor Shenton Thomas, who took office in November, 1932, made no attempt to introduce direct taxation. In fact he did not even believe that direct taxation was essential for the establishment of a system of Indirect Rule. He stated that:

¹Leg.Co.Debates, 1936.

²Report on the Central Province, 1933/34.

³Lord Hailey, An African Survey, London, 1939.

If it is the belief that Native Administration, or, as it is commonly called, indirect rule, cannot function without direct taxation, I should like to dispel that belief. It is not so. ¹

The exponents of the Lugardian type of Indirect Rule, like Slater, would not of course concur with such a point of view. But then Shenton Thomas had made it clear to the Colonial Office that he had grave doubts about whether "Native Administration" along the lines operating in Nigeria would be really suitable for the Gold Coast Colony. ²

Meanwhile, the failure of the Government to implement its Taxation scheme or to establish properly regulated stool treasuries meant the continuance of the chiefs' unsatisfactory financial situation. They continued to lack a secure regular source of income and were still primarily dependent on the fines and fees of the native tribunals. In spite of the fact that they often exacted the maximum fees and fines for even minor offences, the chiefs were still finding it difficult, mainly because of the enormous amount of money spent on litigation, to support the government of their states. ³ In addition, and because of the increasingly critical attitude of the people, the chiefs were even finding it difficult to levy a tribute under customary law. Destoolments of chiefs for alleged misappropriation of stool funds continued to increase.

¹Leg.Co.Debates, 1934.

²P.R.O., C.O.96.749/31228, "Summary of Proposals in connection with the Introduction of Indirect Rule in the Gold Coast Colony, 19.7.1938", a memorandum prepared at the Secretariat, Accra.

³For example, Report on the Western Province, 1933-34.

Considering this unenviable financial position of the majority of the Chiefs, it was not surprising that the "Gold Coast and Ashanti Delegation of 1934" to London took the opportunity to submit to the Secretary of State a memorandum containing their suggestions on the "financing of the stools".¹ Having traversed on the failure of the Native Administration Revenue measure and the stool treasuries system to solve the financial difficulties of the chiefs, the delegation asked that the Government should allocate to every stool an annual grant-in-aid from the general revenue.² In support of this, the delegation argued that the people still retained the memory of the agreement or understanding reached between the Government and chiefs whereby the Government undertook to allocate to the stools a part of the revenue derivable from taxes.³ The delegation complained that since the failure of the Poll Tax Ordinance, no allocation or grant was ever made to the Chiefs. The British Government had ceased to pay rents for the "Forts" and the yearly grant by Parliament of £4,000 to the Colony had also come to an end.⁴

Finally, in justifying their claim for grants-in-aid from the general revenue, the delegation maintained that the Government had already overtaxed the people through indirect taxation and hence any form of direct taxation would be unjustified and would of course be opposed.

¹Sessional Paper No. XI, 1934, "Papers relating to the petition of the Delegation from the Gold Coast Colony and Ashanti".

²Ibid.

³Ibid.

⁴Ibid.

In his reply to the delegation, the Secretary of State, Sir Philip Cunliffe-Lister, stated that it was not, in his opinion, economically desirable or administratively desirable that stool treasuries should exist on grants-in-aid from the central revenue, but he could consider favourably proposals for the raising of local revenue consistent with efficient financial administration.¹

The Secretary of State was actually stating the opinion of the local administration which had under both Slater and Shenton Thomas refused to give the chiefs grants-in-aid from the general revenue.² The Government based its argument for not providing for the maintenance of the "Native Administrations" from the general revenue on the following grounds:

- (1) that providing the chiefs with grants-in-aid would deprive them of the incentive to undertake responsibility which they must learn or bear if any real progress in self-determination was to be made;
- (2) that it was impossible to devise any scheme whereby grants would be allocated to the "Native Administrations" in proportion to the amounts contributed to the general revenue by the people within their respective areas of control. This was because, the Government argued, the revenue accruing from import and export duties was proportional to the wealth but not necessarily to the

¹Ibid.

²For example, at the meeting of the Legislative Council in 1932 Slater stated that "There can be no question of grants from general revenue: on the contrary the Native Authorities will be expected to contribute a portion of the tax towards the heavy cost of Central Administration of the Colony"; Leg.Co.Debates 1932.

population of the various "Native Administrations".¹

The Government was not, of course, conceiving that self-government would be achieved in any foreseeable future and thus its argument that the ultimate aim of Indirect Rule was to provide for self-determination or self-government through the chiefs was anything but sincere. Furthermore, had the Government wanted, it could have found a scheme to allocate grants to the different chiefs, as in fact Governor Alan Burns did in the mid 1940's as we shall later see.

The real reason why the Government refused to give the chiefs grants-in-aid from the general revenue was that the general revenue continued to decline due to the fall in the price of cocoa during the period from the late 1920's to 1934, and the Government, having given priority to the salaries and allowances of its officials, had no funds available for "purely parochial purposes".

Governor Arnold Hodson, who assumed office in November, 1934, was anxious to restore the co-operation between the Government and the Paramount Chiefs which had been weakened during the governorship of Slater and Shenton Thomas. With an autocratic and paternalistic attitude similar to that of Guggisberg, he stated that he wanted to help the Paramount Chiefs and to strengthen their authority. Slater's Taxation scheme having failed, and little progress having been achieved in establishing stool treasuries, it was natural that the chiefs' priority was to be helped in finding adequate money for the maintenance of their stools.

¹P.R.O., C.O. 96.700/7109, "Memorandum on the Introduction of Direct Taxation in the Gold Coast", 27.7.1931, by W.J.A. Jones, the S.N.A., enclosed in conf. despatch (B) of 31.10.1931 from Slater to J.H. Thomas.

Hodson's first attempt to help the Chiefs overcome their financial difficulties was to pass, in 1936, an amendment to the Native Administration Ordinance authorising them to impose levies on their people. This amendment which was usually referred to as the "Levy Bill" provided that:

- (1) the introduction of such a levy would be entirely optional to a "Native Authority";
- (2) each state would decide the amount of levy to be imposed and the method of its collection;
- (3) an annual levy would only be imposed in lieu of customary tribute;
- (4) it would be optional for any state to discontinue such a levy if desired;
- (5) no levy would be permitted by the Governor unless a stool treasury was properly organised. (The amendment did not, however, make it compulsory that where a stool treasury was established all stool receipts should be brought to account in it.) ¹

The Provincial Councils and their members on the Legislative Council declared themselves in favour of the amendment. This was understandable since the amendment provided the chiefs with the power to impose levies without at the same time giving the Government any substantial measure of control over their treasuries. ² Ofori Atta, in particular, was very prominent in the defence of the measure.

¹ P.R.O., C.O. 96.722/31096/1, despatch No. 5 of 31.1.1936 from Deputy Governor to J.H. Thomas; P.R.O., C.O. 96.728/31134, despatch No. 218 of 10.4.1936 from Hodson to J.H. Thomas; Leg. Co. Debates, 26.2.1936.

² For example, G.N.A., Cape Coast, ADM, 23/1/970, Minutes of Emergency session of Provincial Council of Central Province held at Saltpond 26-28.10.1937.

However, the municipal members on the Legislative Council, Arku Korsah and Kojo-Thompson, came out strongly against the Levy Bill. The latter expressed the argument against the measure as follows:

- (1) that it had not been given sufficient publicity;
- (2) that it was contrary to customary law;
- (3) that the people could not afford any further taxation;
- (4) that the imposition of the levy would embroil the chiefs in disputes with their people;
- (5) that the people who would pay the levy were not represented on the Legislative Council; that the Provincial members on the Legislative Council were not representative of the people, and in particular not on this question of imposing a tax; and
- (6) that in fact the Government was compelling the chiefs to impose compulsory levies against the will of the people.¹

The Levy Bill was also strongly attacked in the press. The Vox-Populi, for example, objected to the measure on the grounds that it gave the Paramount Chiefs power to fleece their people and that there was no previous consultation with the state councils.² Furthermore, the Vox-Populi argued that although it was not unusual for a chief under customary law to call upon his people from time to time to pay a tribute for a particular purpose, this was not, however, and contrary to what the Government held, a legal right.³

¹Leg.Co.Debates, 1936.

²The Vox-Populi, 30.9.1936.

³Ibid.

The Gold Coast Times maintained that the Levy Bill was another way on the part of the Government to raise again the question of the Income Tax.¹ In fact the outcry against the Income Tax seemed to have, as the Commissioner of the Eastern Province noted, a lasting effect on the people and any suggestion in connection with the imposition of direct taxation was at once regarded by the people with great suspicion.²

Moreover, thanks to the people's traditional resentment to any Government-inspired taxation scheme, the campaign against the Levy Bill was very successful in the rural areas. Several state councils, like those of Shama and Anlo, were forced, under pressure from their people, to pass resolutions stating that the Provincial members on the Legislative Council did not represent the views of their people as regards the Levy Bill and they (the people) were objecting to its application in their states.³

In the Akwamu state, in the Eastern Province, the people even took the extreme step of destooling their Omanhene for associating himself with the measure.⁴ The Government had no choice but to recognise the destoolment of the Omanhene who had been on the stool of Akwamu since 1921.⁵

By and large, although the Levy Bill was passed into law, the majority of the chiefs, fearing destoolment by their people, did not ask for the exercise of the powers provided by it. The Joint

¹The Gold Coast Times, 3.8.1936.

²For example, Report on the Eastern Province, 1936-37.

³G.N.A., Accra, C.S.O., 372/30, SF.36, "Protest against Levy Bill: Resolution of the State Council of Shama, passed on 8.10.1936", and "Resolution of the State Council of Anlo, passed on 18.4.1936".

⁴Report on the Eastern Province, 1936-37.

⁵Ibid.

Provincial Council contented itself by putting the blame on "deliberate misrepresentations by unscrupulous persons and others and to a section of the press....." ¹

As we have seen in the previous chapter in May, 1936, the Secretary of State, J.H. Thomas, took the initiative of putting forward proposals for the development of the Indirect Rule system. With regard to the finance of the chiefs, J.H. Thomas stressed that if Indirect Rule was to be developed on a sound footing, some measures must be taken for ensuring that in all the states, local taxation would be levied and that properly organised treasuries would be established. ² Although welcoming the Levy Bill as a step in the right direction, J.H. Thomas suggested that to leave the imposition of levies to the option of the individual states could not be regarded as a final solution. ³ He asserted that the Government, and not the chiefs, should impose these levies.

In reply to this, Governor Hodson agreed that the introduction of direct taxation was inevitable since the "Native Administrations" would require money for the maintenance of essential services and local development, but he pointed out that its introduction would be strenuously opposed by the people and could only be implemented by compulsion. ⁴ The alternative, Hodson suggested, was to continue the existing policy of "peaceful propaganda"

¹ G.N.A., Cape Coast, ADM.23/1/970, Minutes of the Joint Session of the J.P.C., 27.7.1936.

² P.R.O., C.O.96.730/31228, conf. despatch of 15.5.1936 from J.H. Thomas to Hodson.

³ Ibid.

⁴ P.R.O., C.O.96.730/31228, conf. despatch of 31.8.1936 from Hodson to W.G.A. Ormsby-Gore.

in the hope that the spread of education and the urge of economic necessity would one day compel the people themselves to accept the principle of local taxation for local needs.¹ He held very strongly that direct taxation should not be imposed by the Government unless it had been demonstrated beyond all doubt that the chiefs were unable to collect such levies, tributes, etc., as sanctioned by customary law.²

The Colonial office was not convinced with Hodson's argument. The Colonial office seemed to be annoyed that the Gold Coast was becoming the outstanding exception to the rule that in all their African Colonies where a system of "Native Administrations" was adopted, the British had found a way to make the people pay for the maintenance of such "Native Administrations". Accordingly, the Secretary of State, W.G.A. Ormsby-Gore, wrote back and this time stated that in order that the Native Administrations might be assured of sufficient revenue for their everyday requirements it was essential that:

- (1) a uniform system of direct taxation should be imposed by the Government, or that;
- (2) the "Native Administrations" should be compelled to impose an adequate local tax at a regular rate as distinct from casual levies.

In addition:

- (3) it would be necessary to insist that in states or divisions

¹Ibid.

²Ibid.

where rents and royalties in respect of stool lands, mineral concessions, etc., were payable, the money should be paid into the state treasury and not to the chiefs.¹

Under this pressure from the Colonial Office, Hodson reluctantly suggested in 1937 the enactment of a "Native Treasuries Ordinance" to deal with all the financial and fiscal functions of the "Native Administrations".² This Ordinance, Hodson explained, would empower the Governor to constitute stool treasuries and to make regulations under it in connection with the imposition of taxation. The Ordinance would also give the administrative officers full control over stool treasuries.³

Hodson went on to suggest that direct taxation would be imposed by the Government since it was clear that the "Native Administrations" themselves were unable or unwilling to impose such taxation. The actual collection of the tax, Hodson added, would be in the hands of the chiefs under the supervision of the administrative officers. The tax itself would be a capitation tax to be imposed on all males of the age of eighteen and upwards at the rate of five shillings.⁴

Furthermore, Hodson proposed that all revenue whatsoever which was enjoyed by the chiefs would have to be paid into the stool treasuries. He also stated that since properly organised treasuries would relieve the Central Government of several activities, he

¹ P.R.O., C.O. 96.730/31228, conf. despatch of 30.1.1937 from W.G.A. Ormsby-Gore to Hodson.

² P.R.O., C.O. 96.739/31228, conf. despatch of 13.11.1937 from Hodson to W.G.A. Ormsby-Gore.

³ Ibid.

⁴ Ibid.

proposed to make a grant to them from the general revenue on the basis of these transferred activities.¹ Finally, Hodson warned the Colonial Office that the implementation of these proposals would most certainly be opposed by the people.²

Meanwhile, the situation was transformed by the cocoa hold-up of 1937-1938. The months of the hold-up were a period of grave economic grievances for the cocoa farmers. As a result, both the Colonial Office and Hodson realised that any attempt to impose a direct tax would certainly be opposed by the farmers. This view was strengthened by the fact that the farmers were anything but pleased with the way the Government handled the hold-up.³ Accordingly, both the Colonial Office and Hodson tactfully agreed that it was practically impossible to impose a direct tax when the farmers were holding their cocoa and hence had no money to pay the tax.⁴ Hodson's proposed "Native Treasuries Ordinance" was quietly abandoned.

Thus, the situation by mid 1938 was that more than a decade after Slater had attempted to enact legislation establishing properly organised treasuries, little, if any, was achieved. One District Commissioner in the Western Province summarised the situation as follows:

¹ Ibid.

² Ibid.

³ For example, Report of the Commission on the Marketing of West African Cocoa, Cmd.5845, 1938.

⁴ P.R.O., C.O.96.758/31228, conf. despatch of 13.3.1939 from Hodson to Malcolm MacDonald.

the states which have adopted the stool treasuries system were very few in relation to the total number; and the acceptance of the system of levies a rarity among them . ¹

The financial difficulties of the chiefs continued to increase and so did the number of destoolments.

In 1939, Governor Hodson, although abandoning any idea of imposing a direct tax, thought that the number of destoolments could still be reduced if the states were compelled to establish treasuries where the existing revenue of each stool could be put on a proper accounting system. This was the primary objective of the "Native Administration Treasuries Ordinance No. 16 of 1939" (usually referred to as the Treasuries Ordinance). ²

The Treasuries Ordinance empowered the "Native Administrations" to introduce into their states or divisions "properly organised" treasuries which would be subject to the supervision of the administrative officers. ³ The Ordinance also empowered the Governor to order, if a "Native Administration" failed to establish a treasury, the establishment of a treasury in any state or division he deemed necessary. In other words, the establishment of stool treasuries was for the first time made compulsory. ⁴

¹Report on the Western Province, 1938-39.

²This Ordinance was originally drafted and forwarded to the C.O. in July 1938 under cover of the Acting Governor's despatch of 22.7.1938. It was, however, redrafted in 1939, after the Provincial Councils made points of minor importance, and was finally passed in March, 1939; P.R.O., C.O. 96.752/31352: P.R.O., C.O. 96.760/31352: G.N.A., Accra, C.S.O. 372/30, S.F. 54.

³The Native Administration Treasuries Ordinance No. 16 of 1939, Section 5.

⁴Ibid., Section 3.

The Ordinance also provided for the creation of "Finance Boards" which would transact all the financial business of the chiefs and the state councils.¹ The Ordinance did not, however, unlike that proposed by Hodson in 1937, empower the Government to impose taxation. The institution of a tax or levy remained voluntary as under the Levy Bill of 1936.

The Treasuries Ordinance of 1939 was not met by any opposition in the Legislative Council and was welcomed by most of the press. The African Morning Post, for example, wholeheartedly supported the Ordinance and saw in it a measure to put an end to the chiefs' mismanagement of the stool funds.²

The Gold Coast Spectator also accepted the Ordinance. But it had its reservations:

A stool treasury must be used solely for works of intrinsic value for a state.....the native authority should not allow itself to be led into footing bills for works which should come under the Central Government. If the native administrations can insure their interests against official encroachment, and use their funds only for works of purely local nature, there is no reason why the stool treasury should not be a success and be supported by the whole Country .³

The Vox-Populi, in accepting the Ordinance, also argued that a stool treasury should be for the benefit of the stool and not merely serve to relieve the Central Government of its legal and moral responsibilities.⁴

Why then did the press, which hitherto strongly opposed the stool treasuries system, decide to give the Treasuries

¹ Ibid., Section 3.

² The African Morning Post, 20.10.1938.

³ The Gold Coast Spectator, 9.7.1938.

⁴ The Vox-Populi, 16.7.1938.

Ordinance of 1939 a chance? First, the press saw in the Ordinance a good chance of putting an end to the pernicious system whereby a large portion of the fines and fees paid into a chief's tribunal passed directly into the pockets of that chief and his councillors.¹

Secondly, the Ordinance provided for the creation of Finance Boards and this was welcomed by the press in the hope that it would give an opportunity for educated and non-hereditary elements to be admitted a place on the state councils. This was particularly welcomed by the semi-educated "youngmen" who were steadily increasing in number.

Thirdly, the Ordinance did not, in any case, make it compulsory that the chiefs should impose a direct tax, the thing which the people and the press most objected to. Finally, the Ordinance, unlike the 1931 amendment of the Native Administration Ordinance, for example, was not mixed up with a Government-proposed taxation scheme. And this was perhaps why the people and the press were less suspicious of the stool treasury system in 1939 than they had been previously.

The press's support for the Treasuries Ordinance should not, however, be exaggerated. It is worth emphasising that although the press decided to give the Ordinance a chance, it still made it very clear that it was objectionable to any control by the Government over the expenditure or disbursement of the stools revenues.²

¹P.R.O., C.O.96.752/31352; Notes of 22.7.1938 by the Acting Governor.

²For example, The Gold Coast Spectator, 9.7.1939.

The Treasuries Ordinance was not however, met with favour by all the sections of the community. The Cape Coast section of the A.R.P.S. came out strongly against the Ordinance. The Society saw in the Ordinance a chance to undermine the Provincial Councils system.

The A.R.P.S.'s campaign against the Treasuries Ordinance of 1939 began by a conference held in Cape Coast and resolutions were passed against the Ordinance.¹ The Society followed this conference by distributing to the different states leaflets attacking the Ordinance and urging them to refuse it.² The Society explained in these leaflets that the Ordinance and the regulations made under it were designed to give the Paramount Chiefs power they had never had under the customary constitution.³

The Government and the Provincial Councils complained that the Society's campaign against the Treasuries Ordinance, like its campaign against the Provincial Councils during the mid 1920's, was based on "rumour and exaggeration". Unlike the case during the mid 1920's, the Government and the Paramount Chiefs seemed this time to have in fact much evidence in the Society's leaflets to prove their point. As an example of this, one of the Society's leaflets, which appeared to have been widely distributed in the different states, stated that the Provincial Councils would, when the regulations under the Ordinance were made, order that:

¹ G.N.A., Cape Coast, ACC. No. 77/64, F. No. 5. The A.R.P.S.'s. Papers.

² G.N.A., Cape Coast, ACC. 762/56, Case No. 26. These leaflets were signed by J.P. Allotey Hammond, Acting Secretary of the Society.

³ Ibid.

- (a) a fisherman would need to take out a licence for his canoe;
- (b) a fisherman's catch would be divided into three equal parts between the fisherman himself, his Paramount Chief and the Government;
- (c) a young girl about to be married would not be allowed to do so until she had paid to her Paramount Chief the sum of 2s.6d.
- (d) all women in every state would be asked to wear identification marks or tickets around their necks. ¹

Besides the distribution of leaflets, the A.R.P.S. was active in holding meetings in the rural areas, particularly in the Central Province. In July, 1940, for example, a meeting attended by fishermen from Mouri, Anomabu and Saltpond was addressed by Sekyi and other leaders of the A.R.P.S. ² During the meeting, the regulations made under the Treasuries Ordinance were interpreted to make those present believe that the Provincial Councils had "dexterously combined to bring distress upon the people of the country". ³ Finally, the fishermen were asked to devise ways and means of getting rid of their chiefs who were supporting the Provincial Councils system. ⁴

Some people from Odumasi, the capital town of the Manya Krobo state, in the Eastern Province, also attended a "secret meeting" at Cape Coast held under the auspices of the Society with

¹G.N.A., Accra, ADM.11/1637, quoted in telegram of 6.1.1940 from Nana Amanfi III, Omanhene of Asebu, to Commissioner of Central Province.

²G.N.A., Accra, ADM.11/1637, Minutes of 6.1.1940 by Commissioner of Central Province.

³Ibid.

⁴Ibid.

a view to branding the chiefs of the Provincial Councils with dissaffection for the country.¹ The standing Committee of the Joint Provincial Councils also complained that the "linguists" of Akwamu, Akwapim and Kwahu, all in the Eastern Province, were "closely connected" with the A.R.P.S's. campaign.²

Ironically, the A.R.P.S. was joined in its campaign against the 1939 Treasuries Ordinance by Ofori Atta, the staunch supporter and defender of the Government's Indirect Rule system; but of course for different reasons. Ofori Atta had originally supported the Treasuries Ordinance when passed in 1939 but when the necessary regulations under it were made in 1940, he led some vocal Paramount Chiefs against it on the grounds that these regulations placed the treasuries entirely under the control of the Government.³ As an example of one such objection, these Paramount Chiefs wanted their estimates to be submitted for the Governor's information and not for his approval. Ofori Atta made a further objection directed against the regulation which provided that the District Commissioner should countersign the cheques of the stools.⁴ He wanted this regulation to be amended to make it optional for state councils to decide whether or not the District Commissioners should countersign their cheques.

¹G.N.A., Accra, ACC.762/56, Case No.26, "Report on the work of the Standing Committee of the J.P.C.", 14.11.1940.

²Ibid.

³G.N.A., Accra, ACC.762/56, Case No.26, "Minutes of the interview of the members of the Standing Committee of the J.P.C. with the Governor on 6.2.1940".

⁴Ibid.

The Governor interviewed these Paramount Chiefs but firmly refused to remove the Government's supervisory control over the treasuries.¹ Ofori Atta was very upset with the Governor's decision and took the opportunity of the meeting of the Joint Provincial Council to renew his attack on the control of the District Commissioners over the treasuries as provided for by the regulations made under the Treasuries Ordinance.²

Ofori Atta's disagreement with the Colonial Government over the regulations made under the Treasuries Ordinance of 1939 was the first of its kind. He had never before openly opposed the Colonial Government on any aspect of its Indirect Rule system. As long as that system sought to strengthen the role of the Paramount Chiefs in the national leadership at the expense of the intelligentsia, Ofori Atta wholeheartedly supported and defended it. But he was not ready to accept willingly a measure that would not only require him to disclose the great wealth of the Akim Abuakwa state but would also subject its expenditure, over which he had had complete control since 1912, to the supervision of a District Commissioner.

The cleavage between Ofori Atta and the Colonial Government, was not, however, final and should not be exaggerated. In fact, two years later (i.e. in 1942), he was appointed together with A.K. Korsah to the Committee which drafted the Native Authority

¹ Ibid.

² Minutes of the 23rd Session of the J.P.C. held at Dodowa, 5.2.1940.

Ordinance of 1944. He was also chosen in 1942, again with Korsah, as one of the first two Africans to be appointed to the Executive Council.

The A.R.P.S's. campaign, together with the opposition of Ofori Atta, was very effective. Although the Treasuries Ordinance compelled the states to establish treasuries, during the five years it remained in force, only twenty five states of the country's sixty three states established treasuries. Even where treasuries were established, the chiefs did not bring into them all the receipts of their stools.¹ The majority of the chiefs and their elders continued the practice of dividing the fees and fines of the tribunals among themselves. Imposition of an annual tax was introduced by resolution of the state council in several states but it was only in one or two that it had been properly collected.² In fact, as Commissioner Sir Sydney Philipson later noted, no real effort was made to collect an annual tax or rate until the introduction of the Native Authority Ordinance of 1944.³

By and large, the Treasuries Ordinance of 1939 did little to solve the steadily worsening financial conditions of the chiefs. The new Governor, Sir Alan Burns, was astonished by the large sums spent on litigation and the debts incurred by the stools on account of this.⁴ On their side, the chiefs, now having a new Governor,

¹Regional Administrations, Report by the Chief Commissioner (Sir Sydney Philipson), Accra, Government Printing Department 1951.

²Leg.Co.Debtates 1943, Appendix to Governor's speech.

³Regional Administrations, op. cit.

⁴P.R.O., C.O.96.775/31454, secret despatch of 5.10.1943 from Alan Burns to Oliver Stanley.

once again raised the question of receiving help through grants-in-aid from the general revenue. In a memorandum submitted to the Secretary of State, Stanley Oliver, during his visit to the country in 1943, the Joint Provincial Council asked that;

- (1) portions of the revenue of the Central Government be granted as of right to the state councils;
- (2) the grant not only be made in proportion to the population of each state, but also in proportion to the revenue of the state, and to the extent of its enterprise in public works, education etc. ¹

Meanwhile, the Government had been engaged since 1942 in preparing a new programme in the hope of developing its Indirect Rule system. The outcome was the passing in 1944 of the "Native Authority" and the "Native Courts" Ordinance. The former replaced both the Native Administration Ordinance of 1927 and the Native Administration Treasuries Ordinance of 1939.

With regard to the fiscal functions of the chiefs, the Native Authority Ordinance of 1944 gave complete financial control to the statutory "Native Authorities". ² A "Native Authority" was given control and management of all public revenue and the sources from which it was derived within the area of its authority. ³ The financial affairs of each "Native Authority" would be managed by a Finance Committee in accordance with regulations made by the Governor. ⁴ The Ordinance also enabled a "Native Authority" to

¹ For a copy of this memorandum see P.R.O., C.O.96.776/3150/1.

² The Native Authority (Colony) Ordinance, No.21 of 1944, part 6.

³ Ibid.

⁴ Ibid.

raise an annual rate on residents and persons owning immovable property within its area. ¹

The principle of collection of an annual rate or tax, the proceeds of which should go towards the maintenance of the "Native Authorities", and to which the people had hitherto strongly objected, was now at long last (i.e. after the passing of the Native Authority Ordinance of 1944) generally accepted and adopted. By May, 1945, fifty "Native Authorities" were organised and they imposed an annual rate. The yield from these rates can be seen in the following table:

The "Annual Rate" imposed by the Native Authorities

| <u>Year</u> | <u>Annual Rate</u> |
|-------------|--------------------|
| 1945/46 | £ 63,382 |
| 1946/47 | 87,375 |
| 1947/48 | 99,086 |
| 1948/49 | 97,242 |
| 1949/50 | 111,363 |

*Reference: Sir Sydney Philipson, Regional Administration.

The increase which the imposition of this annual rate brought to the account of the stool treasuries can be seen from the following table which shows the general revenue of the "Native Authorities" in years before and after the introduction of the annual rate:

¹ Ibid.

Revenue of the "Native Authorities" in the Gold Coast Colony
1942-1948/49

| <u>Year</u> | <u>Revenue of the "Native Authorities"</u> |
|-------------|--------------------------------------------|
| 1942/43 | £ 143,899 |
| 1943/44 | 186,185 |
| 1944/45 | 242,563 |
| 1945/46 | 293,194 |
| 1946/47 | 398,772 |
| 1947/48 | 487,154 |
| 1948/49 | 625,324 |

*Reference: Sessional Paper No.VI of 1950.

Why did the people accept the principle of paying an annual tax after they had so strongly opposed it for such a long time? Firstly, direct taxation was accepted on the understanding that the colonial administration would accordingly give the people more political representation. G.E. Metcalfe noted that the Income Tax introduced in 1943 was accepted by Africans "in the belief that it in fact presaged a substantial measure of elective representative government". ¹

This was also clear from a memorandum submitted by the Standing Committee of the Joint Provincial Council directing attention to "certain large issues" evoked by the 1943 Income Tax Bill. ² Although not opposed to the Bill, the Standing Committee keenly asked that:

¹G.E. Metcalfe, Great Britain and Ghana, 661; Leg.Co.Debates 1943.

²G.N.A., Cape Coast, ACC, No.137/65, "A memorandum on the Income Tax by the Standing Committee of the J.P.C."

the actual political consciousness and enlightenment of the Gold Coast should be taken into consideration, and that the Legislative Council should be reformed by advancing it a stage further than was contemplated suitable for this Country nearly twenty years ago.

The present position should therefore be reversed and the vast majority of the people of the Country given a majority voice in the Legislative Council.....We ask also that the majority in the reformed Legislative Council should have a corresponding majority in the Executive Council. ¹

The memorandum concluded that:

A Country or a people capable of bearing the burden of direct taxation must be deemed capable of matching their political ability to their economic competence and we ask therefore for reforms as outlined above. ²

Secondly, the Government had at last agreed in 1944 to give the "Native Authorities" grants-in-aid from the general revenue. These grants (known as Development Grants) were made in proportion to the amount collected by the "Native Authorities" from the annual rate. ³ This encouraged the people to pay an annual rate in order to secure a grant-in-aid for their stool. The grants themselves were substantial and were thus worth trying to secure. In 1947/48, for example, the grants-in-aid made to the "Native Authorities" amounted to £63,340 compared to an annual rate of £99,086. ⁴

Thirdly, one major reason why the people had refused to pay an annual tax or rate before 1944 was that they saw it as a device on the part of the colonial Government to undermine and acquire more control over their indigenous institutions. The

¹Ibid.

²Ibid.

³For example, Lord Hailey, Native Administrations, Part III, 209.

⁴Ibid.

Native Authority Ordinance of 1944, however, distinguished between a "Native Authority" and a state council and this seemed to have assured the people that the prestige and respect of their indigenous institutions was not in danger. The people still possessed their measure of control over their states' councils, as provided for by custom, and could, if they saw fit, forbid them to form themselves into "Native Authorities" under the provisions of the Native Authorities Ordinance.

The checks and balances in the democratic indigenous political system had survived the colonial Government's attempt to make the chiefs its stooges or divorce them from their people. In fact, the Paramount Chiefs, after the establishment of the "Native Authorities" under the Native Authority Ordinance of 1944, gradually divorced themselves from active participation in the actual running of the treasuries, leaving this to the finance committees, and became only interested advisers.

The degree of popular acceptance of paying an annual tax should not, however, be exaggerated. Its collection was far from being a complete success. In a number of states, there was no regular procedure for the preparation of a roll of taxpayers and the collection was haphazard. Even where rolls of taxpayers were properly prepared, not all the people registered paid. In 1947, for example, in the Oguaa Native Authority only 19% of the persons on the nominal roll paid and only 23% of the persons on the nominal roll of Ahanta paid.¹ The figure for Asebu was 42% that

¹G.N.A., Cape Coast, ADM.23/1136, letter of 11.12.1947 from Senior D.C., Cape Coast, to "Native Authorities".

for Esikuma was 53% and that for Gomoa Asin was 54%. ¹

One further difficulty occurred during the collection of the annual rates, namely that of jurisdiction. Unlike the Treasuries Ordinance of 1939, the Native Authority Ordinance of 1944 provided that a "Native Authority" could not tax "subjects" resident outside its area. ² This was, however, challenged by those states many of whose "subjects" held cocoa farms in other states. They claimed that members of their community who had land in the areas of other stools were not thereby released from allegiance to their own stools and hence should pay the annual rate to their state of origin. This argument seemed to be supported by the customary constitution since the allegiance of an individual to his chief was a personal and not a territorial relationship. ³

On the other hand, the states in which these migrant farmers resided insisted that the annual rate must be paid to them and in this they were supported by the Native Authority Ordinance. Inevitably, this led to various disputes between the stools. In fact, the whole system of state taxes and state treasuries tended to keep each state separate from its neighbours and, thanks to the difference in the size and wealth of the states, encouraged jealousies and rivalries and hindered large-scale development.

¹ Ibid.

² Lord Hailey, Native Administrations, Part III, 209.

³ For example, J.E. Casely-Hayford, Gold Coast Native Institutions, 51-52.

We have attempted in this chapter to examine and describe chronologically the Africans' protest and resistance to some essential principles of the Indirect Rule system; namely, to the establishment of stool treasuries and the collection of taxes specifically for the maintenance of the different functions of the "Native Administrations". We have suggested several factors which frustrated and led to the failure of the colonial administration's policy of imposing an annual regular tax and establishing stool treasuries. These factors ranged from the somewhat academic question of the definition and extension of the British jurisdiction to the more practical ones of the people's financial inability to pay a tax, their objection to any sort of economic exploitation and their suspicion and resentment of any interference by the colonial Government in the affairs of their stools.

Thanks to these factors, the Africans' protest and resistance to the colonial administration's attempt to impose direct taxation and to establish stool treasuries was substantially successful. In spite of the fact that beginning since the late 1920's the colonial Government vigorously attempted to impose a regular annual tax and to establish stool treasuries, this was not in fact achieved until the mid 1940's, and even then, the people's acceptance to pay the tax and to establish stool treasuries was made with the understanding that the colonial administration would in exchange make some political concessions to them. In practice the people's acceptance to pay a regular annual rate and to establish stool treasuries proved to be very limited and, in any case, came too late to save the Government's Indirect Rule policy. Post-War nationalism in the Gold Coast moved far more quickly than the British expected and in 1951 the whole system of "Native Administrations" was replaced by Local Government councils.

CHAPTER SEVENTHE ASAFO ORGANISATIONS' OPPOSITION TO INDIRECT RULE

As Lord Hailey noted, at first sight it might appear that the Gold Coast could have offered an unusually favourable field for the development of a successful Indirect Rule system.¹ There were chiefs who had a clearly recognised and well accepted status and powers in the society. In addition, the Akan provided a predominant and apparently homogenous ethnic group. There were none of the complicated issues which arise from the existence of a large community of European settlers.² Finally, the wealth of the country, thanks to the expansion of the cocoa industry, could provide the necessary funds for developing efficient and successful "Native Administrations".

But the situation was not so simple. As we have seen in preceding chapters, there were several factors and obstacles which made it difficult for the colonial Government to establish in the Gold Coast a successful system of Indirect Rule. The aim of this chapter will be to investigate and describe the nature and significance of the role of the Asafo organisations in frustrating and eventually bringing about the failure of the Government's attempt to establish a successful system of Indirect Rule in the Gold Coast.

The hypothesis put forward here is that the Asafo organisations were an integral part of the indigenous political structure and had, under the customary constitution, well recognised political and con-

¹ Lord Hailey, "Native Administration and Political Development in British Tropical Africa: A confidential report, 1942".

² Ibid.

stitutional rights and a measure of control over the chiefs. However, the Indirect Rule system concerned itself solely with enhancing the status and powers of the chiefs and as such not only failed to recognise the rights which the Asafo possessed under the indigenous customary constitution but also deliberately tried to undermine these rights. Furthermore, the Government, under its Indirect Rule policy, gave the chiefs powers aimed at economically exploiting the Asafo.

Naturally, the Asafo protested against all this and staged a determined struggle to restore their political, constitutional and economic rights. Their struggle was twofold. Firstly, it took the shape of opposing, sometimes through demonstrations and uprisings, the Government's Indirect Rule policies. Secondly, it took the shape of opposing those chiefs, particularly Paramount Chiefs, who appeared to be too integrated into the machinery of government or tried to acquire powers they were not entitled to under the customary constitution. In the end, the Asafo struggle and political activity resulted in frustrating specific colonial policies and provided the checks and balances to the authoritarianism of chiefs under the Indirect Rule system.

The nature of the Akan ¹ political system can be described as

¹In this chapter we are primarily concerned with the Asafo system among the Akan. The Akan are the most predominant ethnic group in Ghana. They constitute over 40% of the entire population of the country. Geographically they dominate about two thirds of the area of Ghana. Culturally they were also the dominant group. See A. A. Boahen, "The Origin of the Akan," in Ghana Notes and Queries, No.9, Nov.1966. This does not, however, mean that we are neglecting the reactions of the other ethnic groups to Indirect Rule. For example, in chapter eight we shall be discussing in detail the reactions of the Ga people to the Native Administration Ordinance and the Provincial Councils system.

three-dimensional:

1. the chiefs;
2. the elders; and
3. the Asafo.

The two former were hereditary representatives of the third. The major unit among the Akan was the state which was a hierarchy having as its head an Omanhene (Paramount Chief). The Omanhene was the head of the civil government of the state, the president of the Oman (State Council), the highest tribunal in the state. ¹ In the pre-colonial days the Omanhene was also the highest military officer or commander-in-chief of all fighting men in the state. Next to the Omanhene in the hierarchy of chiefship of the state was the Ohene (divisional chief) and next to him was the Odikro (village chief), both of whom owed allegiance to the Omanhene. ²

The Akan political system involved a large measure of popular control in selection of chiefs and in the guidance of their later conduct in life. The chief, being either Omanhene, Ohene or Odikro, was not an absolute ruler. He was guided, advised and directed in the government of the state by the people's Mpanyimfo, (elders), who were the second part in the Akan political system. ³

¹J. B. Danquah, Akan Laws and Customs, London, 1928, 25; J. E. Casely-Hayford, Gold Coast Native Institutions, London 1970 (first edition 1903), 41-43.

²Ibid.

³Ibid.

The elders were either hereditary or nominated. The former were the political heads of the different lineages and had been elected by their lineages to be their representatives on the chief's council. The lineage, composed of people tracing their descent through the female line from a common ancestor, was the basic unit in the Akan indigenous structure. As such, the hereditary, or rather the elected, elders were the most important members of any Akan chief's council. The chief was bound by his oath to consult them on all matters and to follow their advice.¹ The nominated elders were those appointed by the chief to his council. Their opinion, however, unanimous and great it might be, could never outweigh the opinion of the hereditary elders, the elected representatives of the people.²

The democratic nature of the Akan political system becomes clearer if we consider the way in which the chief was elected. The chief, being either Omanhene, Ohene or Odikro, was elected to office by the people who also had the right, under rules prescribed by custom, to destool him. The election of an Akan chief can be described as follows:³ Upon the death of a chief the elders met and demanded the royal family to present a successor. It is important to state that succession to chieftainship was handed down in the matrilineal line.⁴ Having received the request of the elders, the Queen-Mother, the head of the royal family, would discuss the matter with the royal lineage, apart from

¹ K. A. Busia, The Position of the Chief in the Modern Political System of Ashanti, London 1968 (first edition 1951), 14; also, R. S. Rattray, Ashanti Law and Constitution, London 1956 (second impression), 82.

² J. B. Danquah, op.cit., 58.

³ For a brief description of an Akan chief, see K. A. Busia, op.cit., 9.

⁴ For example, R. S. Rattray, Ashanti, Oxford, 1955 (first edition 1923), 77.

the elders. Having decided on a candidate, the Queen-Mother informed the elders and if the elders agreed on the candidate, they informed the Queen-Mother of their approval. If the elders did not accept the nominee, the Queen-Mother had to produce another one.

It is important to note that the elders, before agreeing on a candidate, usually consulted their different lineages.¹ Once the chief was elected he was then installed by being set upon the stool, the symbol of chieftainship among the Akan. He then took the customary oath and received the homage and allegiance of his people.²

The third recognised part of the Akan political system, which was in fact usually referred to as "the third state", was the Asafo organisations, usually referred to in English as "companies". Though more developed among the Fanti, the Asafo system was really to be found among all the ethnic groups in the Gold Coast.³

The Asafo organisations were in origin companies of warriors. The word Asafo or Asafu is the plural form of say-nyi or say-nyimpa, the Fanti-Akan compound meaning "war person" or "warrior".⁴ At the head of each company there was a Supi (senior captain), who had under him several Safohenes or Asafoatse (junior captains).⁵ Some companies

¹ K. A. Busia, op.cit., 9.

² R. S. Rattray, op.cit., 82.

³ For example, G.N.A., Accra, ADM.11/1136, No.0975, S.F.No.2, "Notes on the Asafo system".

⁴ G.N.A., Cape Coast, ACC.No.90/64, a typescript of a paper entitled "The Asafo in Cape Coast", by W. S. Kwesi Johnson. This paper was read at the University College of Cape Coast before the Historical Society of Ghana, on December 14th, 1963.

⁵ A. Ffoulkes, "The Company System in Cape Coast Castle", in Journal of the Royal African Society, 7, no.XXV (Oct.1907), 261-77.

had more than one supi. The supi, usually a person of some competence, was responsible for keeping the company's ammunition, flags, drums, and other equipment. ¹

The companies of a town or of a whole state were usually headed by a Tufuhene, the Captain-General or Commander-in-chief. The appointment of the Tufuhene was usually by popular choice, but in some states it was hereditary. ² The Tufuhene often had a stool and was usually a member of the state council.

Each company had its own flags, drums, gong-gong, songs and "posts".³ The flags, the symbol of honour of the company, were usually marked with various designs and figures intended to commemorate some event in the history of the company. Sometimes the design would represent an insult to a rival company, the exhibition of which had always been the cause of several inter-company fights.⁴

Another important feature of the Asafo system was that it followed the patrilineal line in a society where kingship, inheritance of land and property, collective responsibility, and chiefly succession were reckoned through the maternal line. A son would always enter his father's company. The reason for patrilineal membership in the Asafo was due to the fact that a son was believed to inherit his military prowess and bravery from his father. ⁵ In short, the matrilineal

¹ J. B. Christensen, Double Descent among the Fanti, New Haven, 1954, 110.

² W. E. G. Sekyi, "A Comparison of English, Gold Coast and Akan-Fanti laws relating to the Absolute Rights of Individuals", in G.N.A., Cape Coast, ACC.396/64 (Sekyi's Papers).

³ For example, G.N.A., Accra, ADM.11/1439, case No.11/1931, Notes of 17.1.1931 by the Ag.S.N.A., and entitled "The Company System in the Gold Coast".

⁴ Ibid.; also J. M. Sarbah, Fanti Customary Law, London 1968 (3rd edition), 13-14.

⁵ J. B. Christensen, op.cit.

succession to property and chieftainship in the Akan society was counter-balanced by the Asafo system to which every one in the society, except the chiefs and the elders, belonged through his father.

The members of a company usually resided in one quarter or ward of a town or a village. If having a procession, no company could pass peacefully through another company's ward unless it paid a tribute. The failure to pay this tribute had been the cause of several company fights. ¹

Besides their military functions, which they lost with the advent of the pax-Britannica, the Asafo had peace-time social functions. They usually undertook such public works as road clearing, sanitation, capturing a murderer or a highway robber or searching for would-be suicides. ²

With regard to their political functions, with which we are here concerned, the Asafo, which collectively represented the non-office holders, the non-chiefs, the non-elders, or the commoner strata of the community, were to approve of the election of chiefs, as well as to generally exercise a popular control on decision-making. Before a chief could be constitutionally enstooled, he must be paraded by the Asafo, and if this was not done, his right to the stool could always be contested. ³ In short, the Asafo's strength lay in their power to

¹ A. Ffoulkes, op.cit.

² For example, J. C. de Graft-Johnson, "The Fanti Asafo", in Africa, vol.V, No.3, 1932, 307-322.

³ J. B. Christensen, op.cit., 118.

withhold support of a chief and thus make it impossible for him to fulfil his obligations and duties.

Sarbah, Danquah and Busia have explained that the mmerante (illiterate commoners) had a recognised and an effective way in which they expressed their will, on all matters affecting the state. Sarbah made it clear that the Tufehene and the captains of the companies took part in the election and installation of chiefs.¹

Danquah stated that the Asafo, the companies of youngmen, act primarily as a check on any tendency on the part of the Executive towards any exercise of power not in harmony with the true spirit of the customary constitution.²

Busia described that when the elders met on the appointed day for the election of a chief, the commoners were also present.³ When the spokesman announced the name of the candidate nominated by the Queen-Mother, demonstrations of approval or disapproval were unmistakably given by applause, grunts, hisses, laughter or silence.⁴ The elders would appear to deliberate over the matter and then ask the commoners what they thought about it. The commoners would then approve or disapprove of the elders' decision.⁵

Besides their role in election and enstoolment of chiefs, the Asafo could also, under special circumstances which were well recognised under the customary constitution, initiate destoolment by placing charges against the chief. Danquah, who was not very sympathetic with the political role of the Asafo, admitted that the Asafo's claim to possess absolute power to enstool and destool a chief "seems in a sense to be supported by facts of history and long-established customary

¹ J. M. Sarbah, Fanti National Constitution, London 1968 (second edition), 27.

² J. B. Danquah, Akan Laws and Customs, 17.

³ K. A. Busia, The Position of the Chief, 10.

⁴ Ibid., 11.

⁵ Ibid.

practice".¹

By and large, the Asafo had a well-recognised political and constitutional status in the indigenous customary constitution. The Asafo system represented, or rather was, the people's assembly within which they expressed their views and by which they made known their grievances to the chief and his council.² In short, the Asafo represented public opinion, and as such, neither the chief nor his elders could enforce decisions without their consent.

Although the Asafo anti-colonial activities did not seem to have emerged clearly until the outbreak of the First World War, there is reason to believe that the Asafo "fights" had increased following the enactment of the Native Jurisdiction Ordinance in 1883. The majority of these "fights" were inter-company fights, but some of them, as Terence J. Johnson explained, were direct attacks against the colonial Government and the chiefs.³

The Government reacted by passing the 1892 Native Customs Ordinance. Section 6 of this Ordinance gave the District Commissioners legal authority to prohibit company meetings which they had reason to believe would result in a breach of peace.⁴ Section 7 provided that no company flag or emblem could be exhibited without the permission of the District Commissioner, and that any person who exhibited or took part in the exhibition of any company flag would be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding one hundred pounds.⁵ These two sections of the Native Customs Ordinance were, as

¹J. B. Danquah, op.cit., 119.

²The Times of West Africa, 7.3.1932.

³Terence J. Johnson, "Protest: Tradition and Change: An Analysis of Southern Gold Coast Riots, 1890-1920", in Economy and Society, vol.1, 1972, 164-193.

⁴Section 6 of the Native Customs Ordinance; D. Kimble, A Political History, 470; Leg.Co.Debates, 1945.

⁵Section 7 of the Native Customs Ordinance; also Leg.Co.Debates, 1923-24.

we shall later see, widely used by the District Commissioners to suppress the Asafo political activity against the colonial administration. The Ordinance itself was amended more than once with the view of giving the District Commissioners more control over the Asafo.

The first organised and widespread risings by the Asafo against specific colonial policies took place during the period 1913-1919. The Asafo were particularly active in the two neighbouring states of Akim Abuakwa and Kwahu, both in the Eastern Province. In Akim Abuakwa, the Asafo system seemed to have made its first appearance in about 1800, during the reign of Ohema Dokua.¹ The internal organisation of the companies was similar to that described at the beginning of this chapter, but, unlike the case in the Fanti states, the Asafo of Akim Abuakwa had no office comparable to the Fanti's Tufehene, the overall leader representing the companies on the state council.² However, the members of the Asafo were under one or other of the elders and to that extent were represented on the state council. They could indirectly bring such pressure to bear on the various elders that their will was bound to predominate.³

The Asafo risings in Akim Abuakwa in 1913-1919 began by destooling the chiefs of Begoro and Apinamang.⁴ The wave of destoolment then spread over the whole state and threatened the Omanhene, Ofori Atta.

¹ G.N.A., Accra, ADM.11/738, case No.11/1919, Notes of 28.2.1922, by D. C. and entitled "Akim Abuakwa: Asafo - Origin and the Power of".

² Ibid.; also Jarle Simensen, "Rural Mass Action in the Context of Anti-Colonial Protest: The Asafo Movement of Akim Abuakwa, Ghana", in Canadian Journal of African Studies, vol.VIII, no.1, 1974, 25-41.

³ G.N.A., Accra, ADM.11/738, case No.11/1919, op.cit.

⁴ G.N.A., Accra, ADM.32/1/23, "Destoolments in Akim Abuakwa". Jarle Simensen, op.cit.

The rising, or the movement, culminated in a march on Kibi in 1918 by the Amantoo-Miensa Asafo, which could be termed the paramount Asafo of the state. The marchers made an onslaught on the Omanhene himself. ¹

The Amantoo-Miensa was originally composed of the inhabitants of the three villages of Apedwa, Apapam and Tete, all of which were situated outside Kibi, the capital town of Akim Abuakwa state. ²

Their original function was to provide the Omanhene with a powerful bodyguard which could be called up on short notice in case of emergency. ³ They also had civil functions and wide but limited customary rights over the Omanhene. Danquah explained that the Amantoo-Miensa Council, essentially a body of the Asafo, was

a common mouthpiece of the people, that it has a marked influence both over the Okyeman Council and the Kibi Council, and that it has the right to criticise certain acts of executive officers, are truths so abundantly proved by ancient and modern history ⁴ that it would be futile to attempt a denial.

Nonetheless the Omanhene, Ofori Atta, denied that the Amantoo-Miensa Asafo, and for that matter the whole Asafo of the state, had any customary or constitutional rights over the chiefs. Ofori Atta was strongly of the opinion that the Asafo were

exceeding their limits by taking the power off from the chiefs' hands and investing some in themselves. One should think that now there is no war, Asafo, as an instrument in the hands of the chief, will only do what the chief tells them in the way of cleaning roads and doing such other works of development that our peaceful time demands. ⁵

¹ G.N.A., Accra, ADM.11/738, case No.11/1919, op.cit.

² J. B. Danquah, op.cit., 16.

³ Ibid.

⁴ Ibid., 18-19.

⁵ G.N.A., Accra, ADM.11/1/721, case No.67/1918, enclosure No.1, in letter of 29.7.1918 from Ag.D.C., Kibi, to the Provincial Commissioner of the Eastern Province.

He strongly objected to the Asafo being a "leading authority" in destoolment and maintained that this was not in accordance with custom. ¹

W. J. A. Jones, the District Commissioner (later the Secretary for Native Affairs) at Kibi agreed with Ofori Atta that the Asafo had "exceeded their powers" and that their rising was an example of "a revolutionary spirit" threatening the government of the state. ²

Furthermore, he supported Ofori Atta in his contention that the Asafo had but little real political power and they were certainly not able, without the knowledge and sanction of the chiefs, to effect the destoolment of any chief. ³

The Government did not fail to support Ofori Atta in his crisis. Not only did the Government refuse to recognise the destoolments made by the Asafo but it also inflicted severe punishments on the Asafo and in particular on the Amantoo-Miensa, forty of whom were imprisoned. ⁴ Furthermore, by a decree made by the state council, the Amantoo-Miensa were instructed that they should not in the future enter Kibi without a special permit. ⁵

However, the Akim Abuakwa Asafo rising or movement of 1913-1919 was not without some success. Ofori Atta had survived the crisis and avoided destoolment, but not without some concessions. He and his

¹Ibid.

²Quarterly Report, 1918, for Birim District, Kibi; also Jarle Simensen, op.cit.

³Ibid.

⁴G.N.A., Accra, ADM.11/738, case No.11/1919, op.cit.

⁵Ibid.

state council agreed to allow representatives of the Asafo, generally the Asafoatse themselves, to sit on the council of every divisional chief in the state.¹ So although the state council did not acknowledge that the Asafo could act independently of the chiefs and elders and initiate destoolment themselves, it admitted that the Asafo had some say in the running of the state affairs and for the first time in the history of Akim Abuakwa the Asafoatse were allowed to sit on the chiefs' councils.

In Kwahu state, the Asafo formed themselves in 1915 into an organised body and issued "New orders and Regulations" which drew up a scale of fines for different offences and a list of prices for food stuffs.² The Kwahu Asafo's movement, unlike that of Akim Abuakwa, did not take the shape of staging destoolments: the Asafo simply took the law into their own hands and refused to obey the judgements of the native tribunals. By 1919, the District Commissioner reported that the Asafo were becoming a "dangerous element" in the politics of Kwahu and that they were undermining all established authority.³

The Omanhene of Kwahu maintained that this new organised body of the Asafo, usually referred to as Asafo Kyewku (new Asafo), was acquiring rights and powers that the Asafo never had before. He was very alarmed by the growing power of the Asafo and thus wrote to the District Commissioner asking that the Government should suppress this "New Asafo" who were "breaking the powers of the chiefs".⁴ The

¹ Ibid.

² G.N.A., Accra, ADM.11738, case No.11/1919, "New Orders and Regulations inaugurated by the whole Kwahu Asafo", enclosure 'A' in letter of 6.4.1920 from the Commissioner of the Eastern Province to the S.N.A.

³ Report by D.C., Kwahu, for quarter ending 30.9.1919; Also D. Kimble, A Political History, 471.

⁴ G.N.A., Accra, ADM.11/738, case No.11/1919, letter of 6.4.1920 from Commissioner of the Eastern Province to the S.N.A.

Government intervened to help the Omanhene and his chiefs. The Commissioner of the Eastern Province met the Asafo leaders and told them that the Government did not recognise the Asafo as having the right to impose fines or to interfere with the judgements of the native tribunals. ¹

Kimble suggested that,

the renewed importance of the Asafo [1913-1919] arose partly from the lack of education among the chiefs, which emphasised their isolation from the younger generation. ²

This could hardly be a sufficient explanation. The "lack of education" was also characteristic of the Asafo and their leaders. Indeed some of the chiefs, like Ofori Atta, against whom the attacks of the Asafo were directed, were better educated than many of the Asafo.

The 1913-1919 Asafo risings were chiefly directed against specific colonial policies. The Native Jurisdiction Ordinance of 1883 had empowered the chiefs to establish tribunals but did not provide for any measure of inspection or control over their working. ³ And since it was the custom that the members of a tribunal divided the fines and fees among themselves, it was not surprising, as we have explained in chapter five, that they deliberately imposed the maximum fines and fees. The resentment to the corruption in the native tribunals, and hence to the Native Jurisdiction Ordinance, was a major factor behind the Asafo risings. For example, at Apinamang, in Akim Abuakwa, the Asafo had long been in disagreement with the chief over the high cost of litigation in his tribunal before they decided finally to destool him. ⁴

¹Ibid.

²D. Kimble, A Political History, 470.

³See chapter two above.

⁴G.N.A., Accra, ADM.1/721, case No.76/1918, "Enquiry into the alleged destoolment of Kofi Boateng II, Ohene of Apinamang".

In Kwahu, the Asafo agitation and protest against the corruption in the native tribunals was even clearer. Here, the beginning of the Asafo movement and their issue of "New Orders and Regulations" in 1915 took place immediately after the death of the Omanhene, Kwame Apeadu. When he died, Kwame Apeadu was said to have left cash amounting to only nine shillings.¹ The Asafo were extremely aggrieved by this since they had been paying heavy fees and fines into the Omanhene's tribunal. Accordingly, they organised themselves into a body, the aim being,

to protest and resist against the imposition of heavy fines for breach of oaths, because nothing worthy of significance or remembrance was left as a result of the heavy fines made by our late Omanhene, Kwame Apeadu.

Another factor behind the 1913-1919 Asafo movements was the Asafo's resentment of the Compulsory Labour Ordinance of 1895 which empowered the chiefs to mobilise people for "communal labour". Under the guise of "communal labour", the people were mobilised, or rather forced, to do for the Government such work as the maintenance of roads and the buildings of railways, without being paid. It is interesting that the railway through Akim was built in 1912-1913, at the time when the Asafo risings in Akim Abuakwa began. The Asafo must have been pressed by the administrative officers and Ofori Atta into building the railway. At Begoro, the Asafo rising was certainly triggered by the chief's call for "communal labour".³

The 1913-1919 Asafo risings should also be seen in the light of the social and economic changes created by the process of modernisation. For example, the Asafo, being mostly cocoa farmers, were anything but happy about the policy adopted by the Department of Agriculture. Just

¹ G.N.A., Accra, ADM.11/738, case No.76/1919, "New Orders and Regulations inaugurated by the whole Kwahu Asafos".

² Ibid.

³ G.N.A., Accra, ADM.32/1/23, "Destoolments in Akim Abuakwa"; also Jarle Simensen, op.cit.

when cocoa became in 1910 the country's main export product, the Department of Agriculture, as G. B. Kay noted, started a campaign against the cocoa industry contending that the methods of cultivation employed by the farmers paid inadequate attention to disease control; and that the cocoa brought to market was of poor quality. ¹

Kay went on to explain that the Department was wrong in both contentions. First, the Department's solution of weeding and keeping farms tidy, doubtless based on the vision of the well-ordered English countryside, would have proved useless even if adopted by the farmers; and when farms in the eastern region were severely struck by disease in the late forties the Department had nothing to suggest but cutting out infected trees. ² Furthermore, the Department's solution was technically inadequate and was economically inappropriate, as it would have involved reducing acreages and increasing the use of scarce labour. The Department's proposal would have restricted the growth of the industry as existing techniques did not allow for substantial increase in yields per acre, so that expanding output could only be achieved by increasing the area under cultivation. ³

Secondly, on the question of quality the Department was similarly incorrect both technically and economically. On technical grounds, it was wrong because it mistook Ghanaian cocoa for a crop equivalent to West Indian cocoa, whereas the two were in fact quite different, and had separate uses in the confectionary industry. ⁴ Its economic error followed logically from its technical ignorance, for, had it understood

¹G. B. Kay, (ed.) The Political Economy of Colonialism in Ghana: A Collection of Documents and Statistics, 1900-1960, Cambridge, 1972.

²Ibid., 13.

³Ibid., 14.

⁴Ibid., 14.

more about the uses to which Ghanaian cocoa was put, it might not have held to the groundless belief that improvements in quality would necessarily lead to substantial increases in price. ¹

In addition, the Government passed in 1917 "an ordinance to raise duties on cocoa". The Ordinance empowered the Government (1) to impose an export tax on cocoa at the rate of one farthing per pound; and (2) to increase by 50% the rates on cocoa railed between Kumasi and Sekondi. ² Adding to all this the increase in railway rates and the general economic hardships created by the outbreak of the War, it is not surprising that the Asafo became convinced that the colonial administration and its agents, the chiefs, were embarking on a deliberate policy of economically exploiting them. The Asafo of Akim Abuakwa made it clear that they were suspicious of Ofori Atta's commercial dealings. They complained that Ofori Atta had mortgaged the land of the Ofori stool (the paramount stool of Akim Abuakwa) to the Colonial Bank and they asked him to account for that. ³ Ofori Atta explained that when negotiating with the Colonial Bank to charter a steamer on behalf of himself and other Paramount Chiefs, he guaranteed that should the venture prove a failure he and his people would be responsible for the debts due to the Colonial Bank. ⁴ This argument did not convince the Asafo. Moreover, Ofori Atta, as we have explained in chapter three, was very active in the war effort and imposed a tax for that purpose on his people. This must have added to the Asafo's resentment of the administration of Ofori Atta and the colonial Government.

¹Ibid.

²Leg.Co.Debates, 1916-1917.

³Quarterly Report, Sept.1918, Birim district.

⁴Ibid.

By and large, the 1913-1919 Asafo risings are to be seen as forms of protest against certain colonial policies which aimed at exploiting the Asafo as well as undermining their political and constitutional rights. It is thus not surprising that the risings coincided with Clifford's term of office. As we have seen in chapter two, Clifford was very sympathetic to the chiefs, particularly the Paramount chiefs, and lost no time in making clear his attitude. He asserted that,

It is my earnest wish to see the authority of the chiefs supported by all Government officers, and the chiefs and their principal advisers taken into the confidence of the Government, and habitually consulted when any matter affecting them and their people is under consideration. 1

Such an attitude, which clearly favoured the chiefs and tried to strengthen their power, was seen by the Asafo as a deliberate attempt to upset the element of balance and harmony in the indigenous political structure. The Asafo felt that their political and constitutional role in the indigenous political system was being undermined by the colonial Government and that it was attempting to give the chiefs powers they never possessed under custom.

Though a full-scale action by the Asafo did not again take place until after the passing of the Native Administration Ordinance in 1927, the Asafo seemed to have continued to frustrate the Government's Indirect Rule policies. Just at the time when the Government, under Clifford and Guggisberg, began to seek ways of strengthening the power of the chiefs and integrating them more and more into its machinery of government, the number of destoolments began to increase steadily.

¹Leg.Co.Debates, 1913; also Kimble, A Political History, 469.

The increase in destoolments since 1904 can be seen from the following table: ¹

| | |
|-----------|----|
| 1904-1908 | 10 |
| 1909-1913 | 22 |
| 1914-1918 | 39 |
| 1919-1923 | 32 |

Partly, the increase in destoolments is due to the Asafo's dissatisfaction with the chiefs' abuse of their powers and with the Government's gradual move towards a Lugardian type of Indirect Rule. Guggisberg, who made no secret of his intention of strengthening the authority of the chiefs, was very annoyed that the increase in destoolments was threatening the stability of the government in the rural areas. ² So to restrict the role of the Asafo in destoolments, he, in 1923, amended section 7 of the Native Customs Ordinance. ³ This amendment made the exhibition of company flags and emblems without the permission of the District Commissioner an offence triable by the District Commissioner instead ^{of} by the Court. ⁴ In other words, the amendment tried to give the District Commissioners more control over the Asafo affairs. But in spite of this the Asafo naturally continued their political activity against the chiefs and the Government. It is interesting that a few months after the passing of the abovementioned amendment, the Kwahu Asafo movement came to the surface again and resulted in an attempt to destool the Nifahene of Obo. ⁵ Several of the Asafo members were arrested, convicted and fined. ⁶

¹ P.R.O., C.O. 96.663, Memo. entitled "Decay of Tribal Authority, 1926", by the S.N.A.

² For example, Leg.Co.Debates, 1924-25.

³ Leg.Co.Debates, 1923-24.

⁴ Ibid.

⁵ Report on the Eastern Province, 1924-25.

⁶ Ibid.

The Asafo protest and agitation against the colonial Government and the chiefs increased considerably after the passing of the Native Administration Ordinance in 1927. This is not surprising. Not only did the Ordinance give the Paramount Chiefs "new powers", but it failed to give a statutory recognition to the Asafo system which, as we have explained, was an integral part of the indigenous political structure. Naturally, the Asafo saw the Ordinance as another attempt by the colonial administration to undermine the democratic nature of the indigenous customary constitution, and hence to ignore the political and constitutional role they possessed under that constitution.

Not surprisingly, the Kwahu Asafo took the lead in the agitation against the Native Administration Ordinance. When the Ordinance came into force in Kwahu state, the Asafo demanded an explanation of its provisions from the Omanhene, Nana Akuamoza Boateu II.¹ The Omanhene was unable to give a convincing explanation and as a result the Asafo staged "demonstrations" and "riots" to stop the application of the Ordinance to their state. The "demonstrations" were so serious that the Omanhene wrote to his friend, Ofori Atta, who introduced the Ordinance in the Legislative Council, to plead on his behalf to the Government to suppress the "New Asafo" of Kwahu.² He complained that the "New Asafo" was

quite independent of the natural rulers, have their own oaths known as Asafoho-bo and Asafo-dwoada and their object is mainly to make laws for their chiefs and oppose the Native Jurisdiction Ordinance of 1883 and the new Native Administration Ordinance of 1927.³

¹ G.N.A., Accra, ADM.11/1439, case No.11/1931, "Minute on the affairs in Kwahu".

² G.N.A., Accra, ADM.11/1439, case No.11/1831, letter of 30.12.1927 from Akuamoza Boateu II, Omanhene of Kwahu, to Ofori Atta, Omanhene of Akim Abuakwa.

³ Ibid.

He concluded that the "New Asafo is in all but in name a Bolshevik or Communist society seeking to pull down the Native Administration". ¹

Another place where the Asafo were active against the Native Administration Ordinance was Winneba, the capital town of the Effutu state, in the Central Province. Winneba was once one of the principal centres of Gold Coast political activities, and was the seat of King Ghartey who was the President of the Fanti Confederation. Here, the Omanhene, Nana Ayirebi Acquah III, turned on the A.R.P.S. and supported the Provincial Councils system and the Native Administration Ordinance. ² In fact, in 1926 the Council of the Central Province elected him as one of its two provincial members to the Legislative Council. The two Asafo companies objected to the Omanhene's stance. Their offensive began in July 1927, when the Asafo drums were beaten for a meeting to discuss the Native Administration Ordinance. ³ The District Commissioner hurried to the meeting and asked the Asafo about their grievances. They told him that "they heard things about the new Native Administration Ordinance which were not good", and that they intended to call upon the Omanhene to explain his reason for approving the Ordinance. ⁴ In an effort to prevent an action by the Asafo against the Omanhene, the District Commissioner explained the Ordinance section by section with a view to proving that the Ordinance was really for their benefit. At the end, however, the Asafo told the District Commissioner that they did not want to hear any more of the Ordinance as they had made up their minds not to have it applied to their state. ⁵

¹Ibid.

²Report on the Native Affairs Dept., 1926-27.

³G.N.A., Cape Coast, ADM.23/1/675, letter of 11.7.1927 from D.C. to the Commissioner of the Central Province.

⁴Ibid.

⁵Ibid.

The state council, under pressure from the Asafo, instructed Ayirebi Acquah III to resign his membership of both the Provincial Council and the Legislative Council.¹ The Omanhene ignored, however, the instructions of his state council. The Asafo reacted by declaring him destooled. Predictably, the Government refused to recognise the destoolment, knowing that recognition of Acquah III's destoolment would be a great blow to its Provincial Councils system.² As we have seen, Acquah III was a staunch supporter of the Provincial Councils and a member of the Legislative Council.

The Asafo defied the Government's decision and elected a new Omanhene, one Reindorf.³ They then asked the District Commissioner for permission to parade their Omanhene. Naturally, the District Commissioner refused to allow the parade. In spite of his refusal, however, the Asafo went on with the parade and as a result, two hundred of them, including their Tufehene, Kweku Siripi, were arrested.⁴ The new Omanhene, Reindorf, was also arrested.⁵

However, the Asafo were not deterred. Their opposition to the Omanhene continued so strongly that his car was seized and burnt.⁶ For its part, the Government continued to support the Omanhene. For example, in February 1928, the District Commissioner interviewed him and confirmed that the Government

¹ G.N.A., Cape Coast, ADM.23/1/675, telegram of 19.7.1927 from the state council of Winneba to the S.N.A.; also The Gold Coast Leader, 8.10.1927.

² G.N.A., Cape Coast, ADM.23/1/675, letter of 22.8.1927 from the S.N.A. to the Ag. Commissioner of the Central Province.

³ G.N.A., Cape Coast, ADM.23/1/675, letter of 23.8.1927 from the D.C. to the Commissioner of the Central Province.

⁴ Ibid.

⁵ Ibid.

⁶ G.N.A., Cape Coast, ADM.23/1/675, letter of 3.12.1927 from the D.C. to Ag. Commissioner of the Central Province.

would give him full support and would not acquiesce in his alleged destoolment. Further that if he or his followers were subjected to any hostile demonstrations they would be given necessary protection. ¹

Indeed, the Government did not fail to help Acquah III in his crisis. The Tufehene complained that the Government was assisting the Omanhene's messengers to execute warrants of arrests against Asafo members. ² The District Commissioner told the Tufehene and other Asafo leaders who came to his office that the Omanhene's tribunal was exercising its legal powers. ³ The Tufehene and his supporters left in a very "truculent mood" and told the District Commissioner that they did not care if the Government "hanged them or brought a warship in", they would never recognise Acquah III as their Omanhene. ⁴

By far the biggest action of protest by the Asafo against the Native Administration Ordinance was what is usually referred to as the "dispute of the Oguaa state", Cape Coast, which continued from 1928 to 1932. It involved the seven companies of Cape Coast and influenced the politics of Cape Coast and its rural surroundings throughout the 1930's and the early 1940s. This is not surprising as Cape Coast was the headquarters of the A.R.P.S. which led the opposition against the Provincial Councils and the Native Administration Ordinance. The Society was able to win the Omanhene of Oguaa state, Nana Mbra III, and his council to its cause. In protest against the Native Administration Ordinance, the Omanhene and his council in fact ceased, in January 1928, to function as a tribunal and confined themselves to

¹ G.N.A., Cape Coast, 23/1/675, letter of 6.2.1928 from the D.C. to the Commissioner of the Central Province.

² G.N.A., Cape Coast, ADM. 23/1/675, letter of 20.2.1928 from the D.C. to the Commissioner of the Central Province.

³ Ibid.

⁴ Ibid.

heavy cases which were brought before them for arbitration. ¹ Indeed, the Oguaa state continued to boycott the Native Administration Ordinance and the Provincial Council until 1943.

There were in Cape Coast seven Asafo companies which were the most ancient and active Asafo groups in the Gold Coast. ² The first recorded Asafo "fight" in Cape Coast took place in 1681. The "fight" originated when some of the slaves escaped from the Castle to the town. The Asafo refused to give them up to the Castle authorities when requested to do so. As a result, the guns of the Castle were turned against the town and in retaliation seven hundred armed Asafo members attacked the Castle and killed several of its defenders. Other Asafo "fights" took place in 1808, 1820, 1856, 1859 and 1879. ³

In 1909, the Cape Coast Companies voluntarily surrendered all the objectionable flags and emblems. ⁴ A meeting was held for the occasion in which the companies were presented with new peace flags. Among those who spoke on the occasion were the Provincial Commissioner, the Tufuhene of the companies, J. M. Sarbah, and J. B. Brown. ⁵ Since then, little was heard of Asafo "fights" in Cape Coast until the dispute of 1928-32 took place.

The origin of the 1928-32 dispute could be traced to the 1928 election of a municipal member of Cape Coast to the Legislative Council under the 1925 Constitution. The A.R.P.S. and the Omanhene, being opposed to the 1925 Constitution, naturally strongly objected to the

¹ Report on the Central Province, 1927-28.

² W. S. Kwesi Johnson, op.cit.; also Ansu K. Datta and P. Porter, "The Asafo System in Historical Perspective: An inquiry into the origin and development of a Ghanaian institution", in J.A.H., XII, 2, 1971, 279-297.

³ W. S. Kwesi Johnson, op.cit.

⁴ G.N.A., Accra, ADM.11/1473, case No.1311/1907, "Surrender of Cape Coast Company Emblems".

⁵ Ibid.

election taking place. The Omanhene beat the gong-gong to the effect that the people should not participate in the election.¹

However, K. A. Korsah, who had resigned his office in the A.R.P.S., decided to stand for the election with the support of the newly formed Ratepayers Association. The then Tufuhene, W. Z. Coker, with the support of company No.1, his bodyguard, decided to support Korsah. In fact, Coker was elected in July 1928, as the president of the Ratepayers Association and was thus very active in the election campaign.²

The other six companies were on the side of the A.R.P.S. and the Omanhene in their opposition to the election. As a protest against the role played by Coker in the election campaign, the Omanhene supported by the six companies deposed him as Tufuhene.³ Then the Omanhene and the six companies appointed G. E. Moore,⁴ who had been very active in opposition to the election, as Tufuhene.

Following the deposition of Coker as Tufuhene, Governor Slater appointed H. W. Thomas, the Deputy of the Secretary for Native Affairs, as a Commissioner to enquire into:

1. whether Coker had been deposed from the office of Tufuhene in accordance with custom and if so whether Moore was the proper person to succeed to the office;

2. what was the position of the Tufuhene as regards procedure in the Oguua state.⁵

¹ G.N.A., Accra, ADM.11/925, letter of 4.8.1928 from the Ag.S.N.A. to the C.S.

² G.N.A., Cape Coast, ADM.23/1/364, "Cape Coast Native Affairs".

³ Ibid.

⁴ G. E. Moore: Born in 1879. After leaving the Colonial, then Government School, at Cape Coast, in 1895, he worked in succession as a Treasury clerk in Cape Coast, as a clerk of the Western African Frontier Force in Nigeria and as chief storekeeper during the Ashanti

The Commissioner's findings were as follows:

1. that Coker was deposed from his office as Tufuhene with the full approval of six companies out of seven constituting the Asafo of Cape Coast;

2. that the office of Tufuhene in Cape Coast was hereditary in the family of Kwamin Edu;

3. that Moore was not one of the descendants of Kwamin Edu and therefore could not succeed to the office of Tufuhene. ¹

Governor Slater refused to accept the Commissioner's finding as affecting Coker. He argued that according to the relevant terms of reference the Commissioner was to find out whether Coker was constitutionally deposed and not whether he was unanimously deposed by the Asafo. ² However, Slater agreed with the Commissioner's finding that Moore was not the rightful person to succeed to the office of the Tufuhene. Accordingly, the Government continued to recognise Coker as Tufuhene and forbade the Omanhene and the six companies to complete their ceremonies for the installation of Moore. ³ And when the six

war of 1901. For the next twenty three years he worked in the mercantile field. From 1924 he devoted all his time to politics. He worked on the Executive Committee of the A.R.P.S., led its delegation to London in 1934 and from 1940 to 1950 he was the municipal member for Cape Coast to the Legislative Council. See G.N.A., Sc.18/15, G. E. Moore's Papers; and Leg.Co.Debates, 1950.

⁵The Gold Coast Times, 18.1.1930.

¹G.N.A., Cape Coast, 23/1/364, letter of 15.4.1930, from the C.S. to the Commissioner of the Central Province.

²Ibid.

³P.R.O., C.O.96.706/7391, despatch of 14.10.1932 from the Ag. Governor to Sir Philip Cunliffe-Lister.

companies threatened to install Moore in spite of the Government's orders, the police force at Cape Coast was increased and the Asafo had to abandon the installation ceremonies.¹ However, the six companies continued to support Moore and he attended the meetings of the state council in his capacity as Tufuhene. When Coker died in 1931, Moore had no competitor for the post.

The findings of the Commissioner and Slater's reaction to them were contributive to the riots and killings that occurred in 1932. Slater's decision not to recognise the Asafo's deposition of Coker and their choice of Moore as Tufuhene, seemed to be influenced by political considerations. As we have seen in preceding chapters, Slater was determined to substitute the A.R.P.S. with the Provincial Councils as the medium of communication between the Government and the people. Accordingly, Slater apparently viewed recognition of Moore, who was a prominent leader of the A.R.P.S. and a vigorous opponent of the Provincial Councils system, as a victory for the A.R.P.S., which he was trying to reduce to a "private society".²

Slater was certainly helped in his decision not to recognise Moore as Tufuhene by the findings of the Commissioner. The Commissioner had found out that the office of the Tufuhene in Cape Coast was hereditary in a certain family to which Moore did not belong. But contrary to what the Commissioner found out, the office of the Tufuhene in Cape Coast was not, as J. C. De Graft Johnson noted, hereditary.³

¹Ibid.

²For more detail on Slater's attitude to the A.R.P.S., see chapter four above.

³G.N.A., Accra, ADM.11/1439, case No.11/1931, minutes on a report by J. C. De Graft Johnson.

If the Commissioner was not influenced, as his Governor, by political considerations, then this shows that the political officers, even those working in the Secretariat of Native Affairs, lacked a thorough knowledge of the indigenous customary institutions. The Commissioner, H. W. Thomas, was in fact appointed in 1933 as Secretary for Native Affairs, a position he kept for a decade.

The Government continued to maintain a hard attitude towards the Omanhene and the six companies. For example, in May 1929, the Omanhene met the Governor and complained about the attitude of political officers towards him and the Asafo.¹ He also complained that the Commissioner of Police on one occasion went out to the "post" of company No.5 as the members of the company were sitting down at their "post" and tore off a harmless flag which was being flown half mast according to custom in honour of a dead leader.² The Omanhene also complained that the Commissioner of Police also met company No.2 who had gone outside the town for some company business, scattered them, and got hold of their flags.³

Nonetheless, the Omanhene and the six companies continued to challenge the Government's recognition of Coker as Tufuhene. In 1930, an opportunity occurred for them to show their dissatisfaction with the way the Government handled the dispute. In that year, the Acting Governor decided to visit Cape Coast and to hold a durbar. An invitation was made to both the Omanhene and Coker, in his capacity as Tufuhene, to attend the durbar. The Omanhene objected to the Government's

¹G.N.A., Cape Coast, ADM.23/1/364, "Notes on Discussion between the Governor and the Omanhene of Cape Coast".

²Ibid.

³Ibid.

invitation for Coker and accordingly, with the full approval of his council and his Asafo supporters, he declined to attend the durbar. This action of the Omanhene aggrieved the Government and the Acting Secretary for Native Affairs described it as an act of "petulant stupidity" and "a gross act of discourtesy".¹ He added angrily,

But I do not think that this is the first or second time when a Governor has been affronted in Cape Coast. One Governor was actually stoned during a visit to this "centre of education", and the administration has always had difficulty in dealing with a community which seems to make it their business never to see eye to eye with Government policy.²

The Acting Commissioner of the Central Province even suggested that the law should be amended or supplemented so that the Government could have more control over the chiefs.³

The dispute of the Oguaa state culminated in 1932 in a riot in which five persons were killed and twenty eight were wounded.⁴ The immediate cause of the riot was that in 1932 company No.3 applied to the Acting District Commissioner asking for a permit to install its new captains. According to custom this ceremonial turn-out was usually headed by the Tufuhene. As we have seen, company No.3 recognised no other person as Tufuhene but Moore. On the other hand, Coker's family, Coker being dead, supported by company No.1, were opposed to Moore heading the procession.

The Acting District Commissioner issued company No.3 with a permit after its captains agreed to confine the function to their quarter. When the procession started it did not include Moore but he subsequently joined the procession as its head.⁵ The captains of

¹ G.N.A., Accra, ADM.11/1633, case No.37/1930, Minutes of 21.10.1930 by the Ag.S.N.A.

² Ibid.

³ G.N.A., Accra, ADM.11/1633, letter of 14.10.1930 from the Ag.Commissioner of the Central Province to the C.S.

⁴ P.R.O., C.O.96.706/7391, despatch of 14.10.1932 from the Ag.Governor to Sir Philip Cunliffe-Lister.

⁵ Ibid.

company No.1 warned the administrative and police officers that they would have great difficulty in restraining their members if Moore remained at the head of the procession while it passed through a certain street known as Jackson Street.¹ Although included in the permit, Jackson Street ran through territory claimed by both companies. When the procession entered Jackson Street, they were fired on by company No. 1 and the riot began. One shot just missed Moore and instead killed his bodyguard.²

The Government reacted by proclaiming Cape Coast under the Peace Preservation Ordinance and a full company of the Gold Coast Regiment was sent to help the administrative officers in the search for arms and the arrest of the Asafo. In all, 470 members of the Asafo were arrested.³ Sentences ranging from fines of a few pounds to imprisonment with hard labour for various terms up to two years were passed on those arrested. Indeed, very few escaped conviction. Moore, the central figure in the riot, was sentenced to twelve months imprisonment with hard labour.⁴

The riot was a natural outcome of the Government's attitude towards the deposition of Coker, as Tufuhene. The members of company No.1, as Kwesi Johnson noted, were encouraged in their decision to forbid Moore to head the procession in his capacity as Tufuhene by the Governor's ruling in favour of Coker against Moore.⁵ The Asafo had

¹Ibid.

²W. S. Kwesi Johnson, op.cit.

³Ibid.

⁴G.N.A., Cape Coast, ADM.23/1/883, notes of 15.6.1936 by the Commissioner of the Central Province.

⁵W. S. Kwesi Johnson, op.cit.

their own democratic way of choosing a Tufuhene and had the Government not interfered, siding with one company against the others, most probably the issue would have been settled without much difficulty. Indeed, the Asafo system in Cape Coast was very ancient and the companies had never before found it difficult to agree on a Tufuhene.

Besides the Asafo of Cape Coast, the early 1930s witnessed a large and widespread increase in the activities of the Asafo against the colonial administration throughout the country. The anti-colonial dimension of the 1930s Asafo risings was even more clear than in the 1913-1919 risings. The immediate cause of the 1930s risings was the Government-proposed Native Administration Revenue Ordinance. This Ordinance has been discussed in detail in chapter six and it is sufficient here to state that its aim was to empower the chiefs to establish stool treasuries and to levy a tax.

The Asafo of Akim Abuakwa led the protest against the Native Administration Revenue measure. Initially, the Omanhene, Ofori Atta, convinced his state council and the Provincial Council of the Eastern Province, of which he was the president, to accept the measure. He also spoke in favour of it at the meeting of the Joint Provincial Council.¹ The Asafo strongly objected to the measure being introduced in Akim Abuakwa and argued that the state council's decision to support it was taken without their consent; that their divisional chiefs had failed to consult them or even to inform them of the state council's decision.² So in order to safeguard their political and constitutional

¹ P.R.O.,C.O.96.704/7260, "Notes of the proceedings and happenings in connection with the united mass conference of Provincial Councils held at Saltpond, from the 19th to the 23rd April, 1932", enclosure 'D' in conf.despatch of 20.8.1932 from the Ag.Governor to Sir P. Cunliffe-Lister; for more details see chapter six, above.

² The Times of West Africa, 30.8.1932.

rights and to put pressure on the Omanhene and the state council to withdraw their support of the measure, the Asafo destooled all the five Wing (divisional) chiefs of the state.¹ The position of the Omanhene himself was seriously threatened; the Asafo asked for his removal after they submitted nineteen charges against him.

Understandably, the Government offered its help and support to its great ally, Ofori Atta. A force of police was despatched to Kibi when it was rumoured that the Asafo intended to march on the town. Furthermore, in order to check "the disorderly meetings", the captains and other members of the Asafo were arrested under the Native Customs Ordinance and notices were served upon them.²

However, the Government's aid and support could not alone have saved Ofori Atta from destoolment. Atta was lucky in other respects. First, unlike the case in the Fanti states, the Asafo of Akim Abuakwa did not have a Tufuhene, the overall leader of companies. In other words, the Asafo movement of Akim Abuakwa lacked the united leadership which could have forced the destoolment of the Omanhene.³ Secondly, the Asafo system in Akim Abuakwa was a purely a rural phenomenon. There was no tradition of Asafo organisations in Kibi itself.⁴ This meant that the immediate action of the Asafo was usually directed against their divisional and village chiefs and only indirectly against the Omanhene and his council. By the time the rural Asafo had organised themselves to stage a march on Kibi, the Omanhene and the Government would have plenty of time to stop it or to suppress it. It is perhaps because of all these factors that Ofori Atta, in spite of the continuous unrest in Akim Abuakwa, survived as Omanhene from 1912 until

¹ Report on the Eastern Province, 1933-34.

² G.N.A., Accra, ADM. 32/1/15, report on Birim district.

³ G.N.A., Accra, ADM. 11/738, op.cit.; Jarle Simensen, op.cit.

⁴ Ibid.

his death in 1943.

However, in spite of the Government's intervention, the Akim Abuaakwa Asafo movement achieved its main objective. The Omanhene who considered the Asafo system "as nothing more than a nuisance" was forced, under the strong protest and pressure of the Asafo, to dissociate himself from the Native Administration Revenue measure; and he sent a circular to this effect to his chiefs and he informed the Government as well. ¹

The Government-proposed Native Administration Revenue Ordinance was also strongly opposed by the Asafo of Kwahu. Following their tradition of 1913-1919, the Asafo movement in Kwahu in the early 1930s also took the shape of constitutional demands. Their leader, Kwami Mossi, was apparently a very strong and determined man. The Provincial Commissioner, who was obviously annoyed by his activities, described him as

a strong but not ideal leader. He is rather a stormy petrel and his aim appears to be to take the ruling power from the chiefs and place it in the hands of the Asafo. He has on more than one occasion ... taken very drastic action to force the Asafo views₂ on the chiefs.

The Asafo movement in Kwahu began by submitting charges against the Omanhene, Kofi Akuamoaa, accusing him of, among many other things, misappropriating the stool revenues. The Asafo also passed resolutions in which they decided that no member of them should enter a chief's house; no chief and his wives should be allowed to sell or buy any foodstuff, drink palm wine from the public market or ride on lorries owned by a member of the Asafo. ³ The aim of these resolutions was to

¹The Times of West Africa, 25.10.1932.

²Report on the Eastern Province, 1931-32.

³G.N.A., Accra, ADM.11/1439, case No.11/1931, letter of 5.1.1932 from Kofi Akuamoaa, Omanhene of Kwahu, to the D.C.

isolate the chiefs from public life and thus put pressure on them to withdraw their support of the Native Administration Revenue measure.

However, the Omanhene ignored the charges submitted against him. Instead, five of his household assaulted a member of the Asafo.¹ The Asafo made the most of the incident and cited it as a typical example of the brutality of the Omanhene. Subsequently, the Asafo boycotted the native tribunals in the state; no chiefs' oaths were sworn and no cases were instituted. The Asafo elders dealt with whatever cases arose by way of arbitration.²

The Omanhene continued to refuse to answer the charges submitted against him and one of his supporters even killed a member of the Asafo.³ The Asafo reacted by declaring him destooled. The state council, under pressure from the Asafo, declared the destoolment constitutional and a new Omanhene was elected. The Government had no choice but to recognise the destoolment of Kofi Akuaomoa. In recommending to his seniors the recognition of the destoolment of Kofi Akuaomoa and the enstoolment of the new Omanhene, the Acting Provincial Commissioner explained that the divisional chiefs of Kwahu were in the hands of the Asafo leaders and could do nothing contrary to their wishes and thus any refusal by the Government to accept the enstoolment of the new Omanhene would tend to diminish what little power the chiefs in Kwahu possessed.⁴

Not only did the Asafo of Kwahu succeed in their fight with the Omanhene, but they also achieved a major success in their struggle for

¹Report on the Eastern Province, 1931-32.

²Ibid.

³Ibid.

⁴G.N.A., Accra, C.S.O. 1174/31, letter of 19.4.1933, from the Ag. Commissioner of the Eastern Province to the S.N.A.

their political and constitutional rights. The state council made the following resolution:

- (1) that we do recognise Kwahu Asafo;
- (2) that all members of the Asafo are one;
- (3) that all Kwahu Asafo have the undisputed right to meet, consult and act at any time, at any place and under all lawful circumstances;
- (4) that all the Asafoatses are direct representatives of the people on the state council.

1

Although the immediate cause of the early 1930s Asafo movement was the Asafo's dissatisfaction with the Native Administration Revenue measure, the movement, like that of 1913-1919, was directed against other aspects of the Government's Indirect Rule policies. The Asafo's resentment and dissatisfaction with the Native Administration Ordinance, particularly its failure to eradicate the corruption in the native tribunals, was very apparent. As we have seen the Asafo of Kwahu boycotted the native tribunals in the state. In Akim Abuakwa, when explaining the reasons for the Asafo rising, the District Commissioner stated that apart from the Asafo's objection to the Native Administration Revenue measure, there could be no doubt that some, if not all, of the divisional chiefs

with their autocratic methods, and their unnecessarily heavy fines and fees in their tribunals have, ever since the introduction of the Native Administration Ordinance, been sowing the seeds of the present state of discontent.

2

Again as during the 1913-1919 risings, the Asafo risings of the early 1930s coincided with general economic hardships as a result of the World trade depression and the cocoa hold-up of 1930-31. These economic hardships created a feeling of dissatisfaction which seemed to have helped to make the Asafo protest more vigorous and fierce.

¹ G.N.A., Accra, C.S.O.1174/31, "Declaration by Omanhene, Ahenfo and Adikrofo of Kwahu, dated 17, Nov., 1931".

² G.N.A., Accra, ADM.11/1/15, report on Birim district, 1932.

The role of the Asafo was certainly very decisive in forcing the Government to abandon its proposed Native Administration Revenue Ordinance. The Ordinance was an essential aspect of the Government scheme to introduce in the Gold Coast a Lugardian type of Indirect Rule and thus the decision to abandon it was a serious setback to such a scheme. The Governor himself, when commenting on the demonstrations against his direct taxation scheme, admitted that

the real seat of political power is in the Asafo, the plebs, who expect the sub-chiefs to advise the Head Chief according to their wishes and the Head Chief to follow that advice. It follows that the Head Chief who, let us say, supported an unpopular Government measure or who intervened to prevent a form of demonstration which has the sanctity of custom, would be regarded as acting unconstitutionally and would not improbably subsequently find ¹ himself destooled.

The Government was very alarmed that the Asafo activities were frustrating its Indirect Rule policies. Slater was very keen that some legislation should be made with the view of restricting the powers of the Asafo as, in his opinion, "the company system have been ... a source of trouble and anxiety to Government".² However Slater acknowledged that it would not be wise to suppress such an institution of so ancient an origin as the Asafo without first fully satisfying himself as to the wisdom of such a step.³ Thus, following an inter-company "fight" in 1930 in Appam, in the Central Province, in which forty-five persons died, Slater appointed the Assistant Secretary for Native Affairs, J. C. De Graft Johnson, a Fanti with an intimate

¹ G.N.A., Accra, C.S.O. 1403/31, conf. despatch of 2.4.1932 from Slater to Sir Philip Cunliffe-Lister.

² Leg. Co. Debates, 1932-33.

³ Ibid.

knowledge of the Asafo system, to make

a comprehensive survey of the Asafo, its origin, history, development and place in the social and political economy of the people, and to submit recommendations for its proper control in places where its activities had proved to be subversive of peace and order. ¹

De Graft Johnson submitted in 1932 "an extremely able, interesting and informative report" in which he unhesitatingly deprecated any idea of abolishing the Asafo system. ² He observed that the "New Asafo", "the united voice of the people", was very much feared by the chiefs and elders who believed that it would lead to a diminution of their powers and perhaps to the disappearance of chiefly rule altogether. ³ He added that the popular movement of the "New Asafo", no matter what the chiefs said or did, had come to stay and would grow in strength as time passed. ⁴ De Graft Johnson suggested that the Asafo should be represented on the state councils and on the Provincial Councils. ⁵ He also proposed that the Asafo should be given places on the native tribunals. ⁶

By and large, De Graft Johnson made very useful and far-reaching proposals. Unfortunately, the report was not published because some of the Government's senior officials complained that it contained "uncalled for criticism of actions taken by named Government officers". ⁷

¹Ibid.

²Ibid. The report itself does not seem to have survived but there is an adequate summary of it in G.N.A., Accra, ADM.11/1439, case No.11/1931.

³G.N.A., Accra, ADM.11/1439, case No.11/1931, Minutes of 7.12.1932 by the Ag.Commissioner of the Eastern Province.

⁴Ibid.

⁵Ibid.

⁶Ibid.

⁷G.N.A., Accra, ADM.11/1439, case No.11/1931. For example Notes of 7.12.1932 by the Ag.Commissioner of the Eastern Province and Notes of 30.3.1932 by the Chief Commissioner of Ashanti.

The Secretary for Native Affairs, H. W. Thomas, and the Colonial Secretary, G. A. S. Northcote, held diametrically opposed views with regard to De Graft Johnson's proposals. The former rejected them completely and strongly advised that legislation should be made to provide for the abolition of the Asafo system.¹ On the other hand, Northcote felt that, after reading De Graft Johnson's report, the proposal to abolish the Asafo would be "an unwise one" and instead suggested that the Asafo companies should be directed into more peaceful channels.² Northcote was convinced that if the report had been written a few years earlier, it would have obviated many mistakes made "in all good faith" by the administrative officers.³

Slater agreed with his Colonial Secretary that De Graft Johnson had presented a strong argument against the abolition of the Asafo system. Slater was convinced, after reading the report, that any step to abolish the Asafo system would certainly lead to the renewal of the Asafo activities against the Government. Accordingly, Slater, whose term of office was in any case drawing to an end, decided that no legislation should be enacted to provide for the abolition of the Asafo system. In fact, the question of abolishing the Asafo system was not again raised until a decade later.

¹ G.N.A., Accra, ADM.11/1136, Notes on Winneba Native Affairs, by H. W. Thomas, the S.N.A.

² G.N.A., Accra, ADM.11/1439, case No.11/1931, minutes (n.d.) by G. A. S. Northcote, the C.S.

³ Ibid.

Though the Asafo never again organised a large scale movement like that of the early 1930s, they sporadically continued to oppose unpopular policies. The number of destoolments continued to increase. It seems that as a result of the Asafo activities some of the states began to follow the example of the Kwahu state in representing the Asafo on the state council. For example, in 1934, the state council of New Juaben, in the Eastern Province, approved of the institution of the Asafo and allowed them some representation on the state council. ¹ It is not without importance that New Juaben had witnessed political unrest since the passing of the Native Administration Ordinance in 1927. Indeed, in 1927 the Omanhene was deposed for supporting the Ordinance and for attending the meetings of the Provincial Council. ²

In 1936, the Asafo, or the rural commoners, were again active in the protest against the colonial administration. In that year, the Government passed the Levy Bill which empowered the chiefs to impose annual levies on their people. ³ Naturally, the Asafo opposed the measure and in several states they forced their chiefs to pass resolutions against it. Some of the chiefs who supported the measure were in fact destooled by their Asafo. As a result of the Asafo action, although the Levy Bill was passed into law, the majority of the Paramount Chiefs did not ask to exercise the powers provided by it. With the growing critical attitude of the Asafo to the chiefs, it became difficult for the latter to impose levies even if approved by custom.

¹ G.N.A., Accra, ADM.11/1439, case No.11/1931, letter of 2.5.1934 from the Commissioner of the Eastern Province to the C.S.

² Sessional Paper No.V of 1929-30, "Enquiry into the alleged deposition of Nana Kwaku Boateng, Omanhene of New Juaben."

³ For more detail on the Levy Bill see chapter six above.

The Asafo not only wanted to know for what purposes the leives were needed but also wanted to be shown that they had been used for the purpose for which they were ostensibly collected.¹ Failure to do so had been the cause of several destoolments.

In face of the Asafo activities, the Joint Provincial Council, in an effort to stop, or at least decrease, destoolments, resolved in 1936 that the leaders of the Asafo should be invited to attend the meetings of the state councils.² Some states immediately accepted the resolution and in Asin Atandaso, for example, the attendance of the Asafo representatives dated from that resolution.³ The Asafo were continuously, if gradually, winning success in their struggle for their political and constitutional rights.

The only Asafo rising of major importance during the War period was perhaps that which took place in August 1941 at Winneba, the capital town of the Effutu state, in the Central Province. There were in Winneba two Asafo companies which, as we have explained, were very active in the campaign against the Native Administration Ordinance. The main cause of the 1941 rising was the active role played by the Omanhene, Nana Ayirebi Acquah III, in raising recruits, a measure to which the two companies objected.⁴ The Asafo successfully frustrated a meeting convened to encourage recruiting and they refused to attend as a body a meeting convened to explain Air Raid Precautions.⁵ Ironically, as J. W. De Graft Johnson noted, if it had not been for the discouragement the Government hitherto showed to the Asafo, the Asafo

¹ P.R.O., C.O.96.662, Memo. of 31.2.1925 entitled "Decay of Tribal Authority", by the Chief Commissioner of Ashanti.

² Lord Hailey, "Native Administration and Political Development in British Tropical Africa; conf.report, 1942".

³ Ibid.

⁴ G.N.A., Accra, ADM.11/1136, F.No.0975, S.F.No.6, "Report of the Enquiry appointed to enquire into the Disturbance which occurred in the Winneba (Effutu) state on the 19th and 20th April, 1941".

⁵ Ibid.

companies, which were in origin military organisations, would have provided the nucleus of a Defence Force. ¹

With regard to the immediate events which led to the rising, no definite grievances were ever put forward "yet there was the usual undercurrent of ill-feeling by both companies against the Omanhene". ² This "undercurrent of ill-feeling" had been increasing day by day and what is referred to as "the Gharthey hat incident" only helped to embitter the feelings of the Asafo still further. ³ A. K. Gharthey, who was described as "an educated man", was the supi of company No.2. During May 1941, Gharthey decided to appear in public and to lead his company on the occasion of the celebration of the annual deer hunting custom wearing a brass helmet. The Omanhene strongly objected to Gharthey's wearing the helmet and firmly instructed him to remove it. Gharthey removed the helmet but decided "to make things unpleasant" for the Omanhene. ⁴

The opportunity came in August 1941, when the Omanhene issued a summons for one K. Ackotey, a member of company No.2, charging him with usurping the powers of a "headman". Ackotey had styled himself as "headman" in a letter to the Provincial Commissioner. ⁵ Gharthey and the members of his company attacked the Omanhene's tribunal and

¹ G.N.A., Accra, ADM.11/1840, letter of 4.3.1931 from J. W. De Graft Johnson to the Governor.

² G.N.A., Accra, ADM.11/1136, F.No.0975, S.F.No.6, op.cit.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

released Ackotey. The Omanhene appealed to the Government for help. As a result, reinforcements of police were called for from Cape Coast and Accra to take back Ackotey from the Asafo to the Omanhene's tribunal. The Asafo, singing their war-songs, reacted by stoning the police. In return, the police fired at them, killing six and injuring many others. ¹ Subsequently twenty-seven of the Asafo were arrested and twenty-four of them were sentenced to terms of imprisonment ranging from twelve months to two years. ²

Following the riot, the Asafo preferred twenty one charges against the Omanhene with the view to destool him. Eight of the eleven chiefs of the state signed these charges. However, the Government intervened and transferred the matter to the Provincial Council. ³ The Provincial Council did not fail to come to the aid of its long-serving member. Although Ayirebi Acquah III failed to appear before the Provincial Council, the Council struck out the case and recommended that the Omanhene be reinstated. ⁴ The Governor hurriedly confirmed the Council's recommendation.

The Asafo of course resented the Governor's decision and refused to recognise Acquah III as their Omanhene. ⁵ In 1944, their opposition to the Omanhene came into the open. The occasion was the Empire Day parade in Winneba which Acquah III proposed to attend in his capacity as Omanhene, much to the annoyance of the Asafo who were of the opinion that if it had not been for the Governor's intervention he would have

¹Ibid.

²P.R.O., C.O. 96.773/31163, despatch of 5.6.1942 from G. E. London to Viscount Cramborne.

³Ibid.

⁴Ibid.

⁵Ibid.

been destooled. The police again came to the help of the Omanhene and dispersed the demonstration.

Governor Alan Burns was disturbed by the instability in the states caused by the Asafo. The riot at Winneba in 1941 firmly convinced him that action should be taken against the Asafo. So early in 1942 Alan Burns wrote to his administrative officers stating that he had "noted with deep concern" the increasing number of riots and disturbances which had been caused by the Asafo.¹ He asserted to the administrative officers that he was seriously considering the question of disbanding the Asafo companies and was thus asking them for their views on the issue.²

Most of the administrative officers were, in principle, in favour of disbanding the Asafo companies but feared that if the Government ordered a general disbanding of the Asafo companies, this would result in "considerable opposition" by the Asafo, a situation which the Government should try to avoid especially at a time of World War.³ The Secretary for Native Affairs, H. W. Thomas, however, held to his opinion which he made a decade earlier, namely, that the Asafo system should be abolished.⁴

At the same time, Alan Burns asked the Provincial Councils and the Joint Provincial Council for their views on the Asafo system. The Council of the Central Province, although not suggesting the abolition of the Asafo system, responded quickly by making proposals with the view of bringing "the disruptive element" of the Asafo under control.⁵ These proposals could be summarised as follows:

¹ G.N.A., Cape Coast, ADM.23/1/1932, letter of 5.3.1942 from the Commissioner of Central Province to D.C., Cape Coast.

² Ibid.

³ Ibid., Minutes on the Asafo company system.

⁴ Ibid.

⁵ G.N.A., Accra, ADM.11/1136, F.No.0975, S.F.No.4, letter of 11.9.1942 from the Secretary of the Provincial Council of the Central Province to the S.N.A.

1. company emblems should be registered;
2. the names of the captains of the Asafo should be registered;
3. company flags should be approved by the state councils;
4. no public or customary demonstration or festival by the Asafo should be performed without the express permission of the "Native Authorities" and the District Commissioner;
5. no meeting of the Asafo should be held without the express permission of the "Native Authorities";
6. regulations governing the Asafo under the Native Administration Ordinance should be made. ¹

These proposals were adopted, almost in their entirety, by the Joint Provincial Council. The Joint Provincial Council, like the Council of the Central Province before it, emphasised that it was not asking the Government to abolish the Asafo system. ² Although anxious to restrict the powers of the Asafo, the Paramount Chiefs of the Provincial Councils were aware of the role which the Asafo possessed under the indigenous political structure. They recognised that if they advocated the abolition of the Asafo system, the Asafo would simply react by destooling them and thus bring the "Native Authorities" to a complete standstill.

Although Alan Burns and his Secretary for Native Affairs were anxious to abolish the Asafo system, they could not overlook the administrative officers' advice, namely, that any attempt to abolish the system would lead to a strong protest against the Government. The Governor was not ready to risk such a protest during the War period. Furthermore, the Paramount Chiefs, against whom the Asafo's protest

¹Ibid.

²Ibid., letter of 27.11.1942 from Nana Ofori Atta, Chairman of the Standing Committee of the Joint Provincial Council, to the S.N.A.

was partly directed, did not go so far as to suggest the complete suppression of the Asafo activities. As a result, Alan Burns decided to give up the idea of enacting legislation for the abolition of the Asafo system. He instead, in 1945, contented himself with amending section 6 of the Native Customs Ordinance.¹ This amendment gave the District Commissioners more effective and wider powers to prohibit Asafo meetings which they had reason to believe would result in "a breach of peace".²

Perhaps the only Asafo offensive during the post-war period that we have evidence about was that of the Asafo of Akim Abuakwa, particularly the Amantoo-Miensa Asafo. The reason for this offensive could be traced to the murder of Akyea Mensah, the Odikro of Apedwa, during the funeral ceremonies of Ofori Atta in 1943.³

This murder was usually considered a ritual one; the Odikro was killed so that his blood could be used to "wash" or "blaken" the stool of Ofori Atta. It seemed however that there were other motives for the murder, primarily political, which were seldom referred to. Apedwa, as we have seen, was one of the three leading Amantoo-Miensa villages which led the Asafo march against Kibi in 1918. The Odikro of Apedwa himself was the second ranking chief in the Amantoo-Miensa. It thus seems that in revenge for Ofori Atta, some of his supporters took the chance to kill one of the leading chiefs of the Amantoo-Miensa. As such the murder could be seen as a counter attack against the Amantoo-Miensa Asafo for thier persistent agitation against Ofori Atta, rather than being a case of human sacrifice. In any case, the practice of human sacrifice was by this time disappearing.

¹Leg.Co.Debates, 1945.

²Ibid.

³For a brief account of this see Sir Alan Burns, Colonial Civil Servant, London 1949.

The body of the Odikro was never found but eight persons, who were apparently strong supporters of the Ofori family, were accused of the murder. They were tried, found guilty and sentenced to death.¹ Their guilt and punishment were based on information given by two eye-witnesses. The jury, eight Africans and one European, were unanimous in their decision.² But although the sentence was passed in 1944, the Governor was obliged to postpone the execution more than once. In fact, the executions, and then only of three of the accused, did not take place until 1947. This delay in the executions was due to "delaying tactics" adopted by the defence, which was led by J. B. Danquah, the half-brother of Ofori Atta.³ Besides its delaying tactics, the defence sought the assistance of some members of the House of Commons, who petitioned the Secretary of State asking him to intervene and stop the executions. The Secretary of State, Creech-Jones, made a long statement in the House of Commons in which he narrated the history of the case and explained the reasons for the delay in the executions.⁴

In the Gold Coast itself there was indignation and impatience with the delays and the manner in which condemned persons had been allowed to obstruct the course of justice. There was a feeling among the people that there was one law for the rich and another for the poor.⁵ Popular demonstrations did in fact take place against the delays in carrying out the sentences.⁶

¹ P.R.O., C.O.96.783/31537, "The alleged murder of the Odikro of Apedwa".

² Sir Alan Burns, op.cit., p.221; also Leg.Co.Debates, 1945.

³ Sir Alan Burns, op.cit., 219-239.

⁴ Parliamentary Debates (fifth series), vol.434, 1946-47, 484-491.

⁵ For example, The Gold Coast Independent, 8.3.1946; also Leg.Co.Debates, 1947.

⁶ The Gold Coast Independent, 8.3.1946.

On his part Alan Burns resented the fact that the tactics of the defence had forced him to postpone for a long time the executions. He resisted all pressure from Churchill, and members of Parliament because he felt that if the executions were not carried out, it would in effect be "a surrender of the principles of justice to the power of money and influence".¹ He held that the administration of British justice in the Gold Coast had been seriously discredited by the delays and that if the executions were not carried out, the public would lose all faith in it.

Naturally, the Amantoo-Miensa Asafo were the most dissatisfied with the delays. They petitioned the Governor asking for the constitutional rights of the Amantoo-Miensa as a popular check on the Omanhene to be finally restored.² The protest of the Amantoo-Miensa continued even after the executions were carried out and in 1947 and 1948 they marched on Kibi and preferred charges against the Omanhene, Ofori Atta II, with the view of destooling him.³ Subsequently, they boycotted the state council and asked to be independent from it. A reconciliation was made in 1949 but the long Asafo dissatisfaction with the state council and the Omanhene was far from being completely resolved. It was thus not surprising that when Nkrumah invaded Kibi in 1957 with seven hundred police and removed Ofori Atta II, who was a strong opponent of the C.P.P., and some of his chiefs, there was little opposition, if any, to his action.⁴ The Asafo of Akim Abuakwa had for long been dissatisfied with their chiefs and were thus apparently very pleased that Nkrumah had intervened.

¹ Sir Alan Burns, *op.cit.*, 230.

² G.N.A., Accra, ADM. 32/4/100, "Akim Abuakwa Native Affairs".

³ *Ibid.*; see also Jarle Simensen, *op.cit.*

⁴ This invasion took place because Nkrumah alleged that Ofori ^{Atta}II, a strong opponent of the C.P.P., had used his influence to have some £10,000 deducted from the salaries of subordinate chiefs and moneys

Although the historical evidence for the post-war period is not substantially available, there is reason to believe that the Asafo continued their protest against the colonial administration. The Native Authority and the Native Courts Ordinances of 1944 had failed, like the Native Administration Ordinance before them, to recognise the political and constitutional role which the Asafo possessed under the indigenous customary constitution. In particular, the Asafo must have resented that clause of the Native Authority Ordinance which empowered the District Commissioner to deport any person against whom a complaint had been made by a chief. ¹

Another factor behind the Asafo dissatisfaction during the post-war period was the policy adopted by the Government to combat the swollen-shoot disease which spread widely in the 1940s. The Government's policy to stop the disease was to cut down the infected trees. The Asafo, who were mostly cocoa-producers, were very suspicious of this policy and saw it as another deliberate attempt to exploit them economically. ² Their economic dissatisfaction was sharpened by post-war inflation and general economic hardships. Although the leadership of the Asafo was not formally identical with that of the Farmers Unions, the latter must have built on the Asafo institution, the permanent body through which the rural commoners had always expressed their opinions.

due to elders, linguists and stool dependants; and that this money had been used to support a body of "Action Groupers" terrorists who preyed on the C.P.P. and Government supporters. After the invasion Nkrumah passed the Akim Abuakwa (Stool Revenue) Act which authorised the Minister of Local Government to create a department within the ministry of Local Government, headed by the Receiver of Stool Revenue to whom was assigned the full responsibility for the collection of moneys and the management of the stool lands of Akim Abuakwa. See Report of a Commission Appointed to Enquire into the Affairs of Akim Abuakwa State, Accra, Government Printing Dept., 1958.

¹ The Native Authority (Colony) Ordinance, No.21 of 1944.

² For example, Tony Killick, in W. Birmingham, I. Neustalt and E.N. Omaboe (eds.), A Study of Contemporary Ghana, vol.1, London 1966, 236-250. also D. Austin, Politics in Ghana, 59.

The cocoa-producers blamed the educated elite and the chiefs for not putting enough pressure on the colonial Government to stop cutting down their cocoa trees. In other words, they were prepared to follow any leader who could promise them economic prosperity and in this Nkrumah and his C.P.P. were not lacking in words. As Maxwell Owusu pointed out, what mattered for the ordinary man was economic freedom and material well-being and Nkrumah presented self-government as the only and unfailing means to economic bounty for the common man.¹

To sum up, it can be argued that the Asafo organisations provided a permanent institution and an organisational basis through which the rural commoners expressed their demands and organised their protest and opposition to the colonial administration. In particular, the Asafo political activities and agitation were directed against those policies which aimed at strengthening the chiefs' position, such as the Native Administration Revenue measure, the Levy Bill, etc. In this respect, the Asafo action was partly responsible for the failure of the Indirect Rule system in its principal administrative objective, that of ruling the people through their chiefs.

The Asafo persistently opposed and resisted the attempt of the colonial Government and its agents, the chiefs, to exploit them politically or economically. As such, the role of the Asafo was very vital and decisive in the background to the post-war nationalist movement. The C.P.P. could draw on a long tradition and an impressive record of anti-colonial protest in the rural areas. Perhaps this is one reason why Ghana achieved independence earlier than its fellow ex-British Colonies in West Africa.

¹ Maxwell Owusu, Uses and Abuses of Political Power, Princeton, 1970, 146.

CHAPTER EIGHT

INDIRECT RULE AND EXAMPLES OF STOOL DISPUTES:

- (1) THE ASAMANGKESE - AKIM ABUAKWA DISPUTE, 1920-1938.
- (2) THE GA PARAMOUNT STOOL DISPUTE, 1918-1935.

Frequent reference has been made in this thesis to the alarming increase in the number of destoolments and stool disputes during the colonial era, particularly during the post 1927 Native Administration Ordinance period. Reading the Gold Coast newspapers during the 1930's and the 1940's one could hardly come across an issue which did not contain a reference to a stool dispute. The Gold Coast Spectator rightly noted in 1938 that if a census were taken of those chiefs who had remained long on their stools, few could be picked up.¹ The Gold Coast Independent also observed in 1942 that on looking around one could hardly find a spot in the country where a stool dispute did not exist.²

It has been argued that primarily these stool disputes represented the reaction of the Africans to the attempt of the colonial administration to make the chiefs its agents and an integral part of its machinery of government and to give them powers that did not belong to them under the country's customary laws. Reference has also been made to specific causes of destoolments such as the progress of western education, the

¹ The Gold Coast Spectator, 12.2.1938, "Destoolment of Chiefs; its cause and how to prevent it."

² The Gold Coast Independent, 26.9.1942, editorial entitled "Stool Disputes, Part 1".

increase in the material wealth of the country, the failure of the chiefs to have "representative or progressive" councils, and the cost of litigation which was itself the outcome of the introduction of western laws. ¹

In this Chapter we shall, as a case study, discuss in some detail two examples of stool disputes, both from the Eastern Province, which was usually considered by the colonial Government as the stronghold of its Indirect Rule policies. The first was that of Asamangkese-Akim Abuakwa, commonly known as the Asamangkese case. In studying this dispute our aim is to attempt to demonstrate, firstly, how the Indirect Rule system was responsible for creating serious strains between some Paramount Chiefs and their subordinate chiefs, and secondly, how this dispute became a battleground for the supporters and opponents of Indirect Rule, and consequently, how it was unnecessarily prolonged. The dispute involved, on the one hand, the colonial administration and Nana Ofori Atta, the Omanhene (Paramount Chief) of Akim Abuakwa and the staunch supporter of the Government's Indirect Rule system, and, on the other hand, those lawyer-politicians and nationalists such as Kobina Sekyi, Kojo Thompson and Wallace-Johnson who vigorously opposed and were hostile to the Colonial Government, in general, and to its Indirect Rule System, in particular. The Secretary for Native Affairs, Hugh Thomas, was convinced that "the pernicious influence of lawyers is the

¹The Gold Coast Spectator, 12.2.1938.

alpha and omega" of the dispute.¹ He thought that the dispute was in particular begun by Sekyi and Kojo Thompson "two of the most unscrupulous lawyers in the Country".²

The second example was that of the Ga Paramount stool dispute. Here our aim is to show that the overwhelming number of disputes and troubles in the Ga state during the colonial period, were mainly due to the Government's policy of imposing on the Ga people a system based on the Akan institutions. The Gold Coast Independent was certainly right in pointing out that the main cause of the disputes in the Ga state was due to the Ga people's adoption of laws and usages which were foreign to their own history and custom.³ These adoptions, the Independent explained, were dictated and forced on the Ga people by the Native Administration Ordinance which established common laws and common ways of political life - based on the Akan political system - for all the ethnic groups in the Gold Coast.⁴ The Vox-Populi put it as thus:

"The native constitution is a very intricate thing and it differs in each state. This vital point was, however, forgotten by the votaries of Indirect Rule who sought to establish a uniform system that brings the customs and institution of all the states into line, only to aggravate the position."⁵

¹ GN.A., Accra, ADM. 11/1627, A Memorandum entitled "The History of the Dispute between Asamangkese and the Paramount Stool of Akim Abuakwa", by the S.N.A., Hugh Thomas, dated 9.5.1934.

² Ibid.

³ The Gold Coast Independent, 3.10.1942, editorial entitled, "Stool Disputes", Part II.

⁴ Ibid.

⁵ The Vox-Populi, 16.7. and 18.7. 1938, editorial entitled, "Indirect Rule in Practice."

(1) THE ASAMANGKESE - AKIM ABUAKWA DISPUTE, 1920-1938.

Originally the stools of Asamangkese and Akwatia (the latter being a sub-stool of the former) formed part of the Kingdom of Akwamu. In about 1730, however, the Akims who migrated from Ashanti were able to defeat Akwamu and drove them from the banks of the Densu and the Nyanewase valleys to the country situated on the east side of the River Volta. ¹ The victorious Akims transferred what was formerly Akwamu territory into the Akim Abuakwa state, with its capital at Kibi. The Asamangkese and Akwatia people, unlike other Akwamu, chose to remain on their lands and accepted to serve the paramount stool of Akim Abuakwa and to observe its laws and customs. ²

Between 1907 and 1912, thanks to the introduction of cocoa, the rich lands of Asamangkese and Akwatia began to rise in value, and in addition, in 1919 diamonds were discovered in the stool land of Akwatia. The two chiefs, Kwaku Amoa, the Ohene (divisional chief) of Asamangkese and Kwame Kuma, the Odikro (headman) of Akwatia, feeling that they owed no allegiance to Ofori Atta, the Omanhene (Paramount Chief) of Akim Abuakwa, began to sell lands and to collect tribute without the authority of the latter. ³

¹ G.N.A., Accra, ADM.11/1627, Ibid: Ivor Wilks, "The Rise of the Akwamu Empire, 1650-1710", in T.H.S.G., vol.III, part 2, 1957: J.K.Fynn, Asante and its Neighbours, 1700-1807, London, 1971, 68-71.

² G.N.A., Accra, ADM.11/1627, op.cit. Danquah stated that the two stools of Asamangkese and Akwatia were integrated into the state of Akim Abuakwa. Akim Abuakwa, he explained, was comprised of five wings, Adonten, Nifa, Benkum, Oseawuo and Jase which were divided into thirteen divisions. The stool of Asamangkese, one of the thirteen divisions, served the paramount stool through the Oseawuohene. As Commander or General of the stool Guard, the Oseawuohene was one of the five important wing chiefs whose presence in the State Council was always necessary. The stool of Akwatia served the paramount stool first through the stool of Asamangkese and then through the Oseawuohene, J.B.Danquah, Akan Laws and Customs, London, 1928, 30-33.

³ G.N.A., Accra, ADM.11/1627, Ibid. Hereafter the two chiefs are referred to as the Ohene and the Odikro.

More importantly, in 1920 the Ohene and the Odikro granted, without the consent of Atta, concessions to the mining company, Consolidated African Selection Trust, which paid them £60,000.¹ They refused to give Atta any share of it.

Atta argued that according to the customary law of Akim Abuakwa he, as the Omanhene, was entitled to one third share of the purchase price of the sale of any land or concessions in his state.² Hence Ofori Atta asked the Ohene of Asamangkesse to appear at Kibi to give an account of his proceedings - and that of his subordinate the Odikro - before the state council. The Ohene refused to attend the meeting of the state council and instead informed Ofori Atta that he and his elders "did not wish to be made parties to rules and by-laws passed by the State Council as they did not form part of the Okyeman (the state Council of Akim Abuakwa)".³ Furthermore the Ohene maintained that he was justified in refusing to pay the Paramount Chief the one third share as "it was not the custom to do so in the time of his ancestors".⁴ This, as one of the Colonial Office Officials noted, was in fact the fons et origo of the whole dispute.⁵

¹Ibid.

²P.R.O., C.O. 96.726/31039, "Affairs in the Asamangkesse Division", Minute dated, Sept. 1536.

³Ibid.

⁴Ibid.

⁵Ibid.

During the next year, 1921, the Ohene addressed a petition to the Acting Governor.¹ He asked that the Government should grant him permission to sever his connection with the Paramount Stool.² He also asserted that he was "the sole owner" of the Asamangkese stool lands.³ Finally, he complained, inter alia, of Ofori Atta's "autocratic ruling which had been intolerable."⁴

It is to be remarked that at this time Ofori Atta was engaged in his fierce attack against the intelligentsia of the N.C.B.W.A.⁵ Understandably Guggisberg, who, in general, encouraged strengthening the authority of the Paramount Chiefs and, in particular, supported Ofori Atta in his fight against the intelligentsia, refused to grant the Ohene his independence from Atta.⁶ The Government could not let down its close ally in favour of a small chief. However, the Ohene of Asamangkese, and with him his subordinate, the Odikro of Akwatia, defied the authority of the Government and continued to act independently from the paramount stool.

The Government decided, however, to intervene in favour of Atta. The Ohene was summoned to Accra in order that charges

¹P.R.O.,C.O.96.638, For a summary of this petition dated 7.10.1921, see Conf. despatch of 31.3.1923 from Guggisberg to the Duke of Devonshire.

²Ibid.

³Ibid.

⁴Ibid.

⁵For more details see chapter two above.

⁶P.R.O.,C.O.96.726/31039,Ibid.

might be preferred against him with view to his suspension.¹

The Ohene made excuses on the ground of health for not furnishing answers to the charges. The Acting Secretary for Native Affairs thought that the Ohene was deliberately defying the Government and accordingly, without consulting the Governor, he wrote to the Commissioner of the Eastern Province asking him to escort the Ohene to Accra.² This action of the Acting Secretary for Native Affairs was, in the words of a Colonial Office Official, "not legal" and that in previous cases of the kind the action was specifically ordered by the Governor.³

The Ohene's team of lawyers, which was led by Kobina Sekyi and included Kojo-Thompson, A.J.E. Bucknor, Frans Dove and T. Hutton-Mills, brought an action against Ofori Atta, the Acting Secretary for Native Affairs and the other administrative officers concerned in escorting the Ohene to Accra and claimed £5,000 damages for conspiracy.⁴ The Chief Justice, however, dismissed the charges against the defendants.

In February, 1922, Guggisberg ordered an enquiry to be held in the dispute at Kibi by the Commissioner of the Eastern Province. The Ohene and the Odikro refused to attend and asked that such enquiry should be held in a neutral place outside Akim Abuakwa. Guggisberg refused this and reacted by deposing, in March 1923, both the Ohene and the Odikro.⁵ In practice, however,

¹P.R.O., C.O. 96.638, Minute of 18.4.1923.

²Ibid.

³Ibid.

⁴G.N.A., Accra, ADM/1627, op.cit.

⁵P.R.O., C.O. 96.638, Conf. despatch of 31.3.1923 from Guggisberg to the Duke of Devonshire.

the people of Asamangkese and Akwatia continued to treat the deposed Ohene and Odikro as their de facto chiefs.

Guggisberg could not tolerate this and hence he asked the Colonial Office that power should be given enabling him to deport a deposed chief from his division or village to another place within the country.¹ This was effected by an amendment of the Native Jurisdiction Ordinance in 1924.² It is interesting to note that all the African members on the Legislative Council, except Ofori Atta, opposed this amendment.³ Guggisberg was not, however, immediately able to use the powers given to him by the amendment as Sekyi, the principal solicitor of the Ohene and the Odikro, appealed against it to the courts.

While Sekyi's appeal was still before the courts, the Government established in 1925 the Provincial Councils of the Paramount Chiefs and two years later passed the Native Administration Ordinance. Both measures were aimed at strengthening the power of the Paramount Chiefs at the expense of the intelligentsia and the subordinate chiefs. Ofori Atta was the father of the Provincial Councils and the introducer of the Native Administration Ordinance in the Legislative Council.⁴

¹P.R.O.,C.O.96.638, Minute of 18.4.1923.

²See chapter two above. Also P.R.O.,C.O.96.638, despatch of 15.5.1923.

³Leg.Co.Debates,1924.

⁴For more detail on the introduction of the Provincial and the N.A.O. and the opposition of the intelligentsia to them see chapter three, above.

Naturally the intelligentsia opposed these measures and Sekyi, in particular, saw in them a device by which the Government was aiming to undermine the indigenous institutions of the country.¹ Hence Sekyi became even more determined to pursue with the Asamangkese case as he saw in it a means to discredit Ofori Atta and other supporters of the Indirect Rule system. He used the case as evidence that alien institutions were incapable of solving local problems of the states. In fact, the Asamangkese case looked more like a confrontation between Sekyi and other lawyer-politicians who were opposed to the colonial administration, on the one hand, and the colonial administration and its collaborator Ofori Atta, on the other, rather than a dispute between two subordinate chiefs and their Omanhene. It was a political dispute of a very complicated nature.

The 1927 Native Administration Ordinance itself provided that political and constitutional disputes between a Paramount Chief and a divisional Chief should be determined by the State Council or before the Paramount Chief's tribunal.² The Ordinance also provided that no Divisional Chief or Chief should claim independence from a Paramount Stool to which his stool was subordinate.³ This was clearly in favour of Ofori Atta.

¹For more detail on Sekyi's attitude towards the Provincial Councils see chapter four above.

²The N.A.O., No. 18. of 1927, section 34.

³Ibid., section 33.

Armed with these powers given to him under the Native Administration Ordinance, Ofori Atta sought in 1928 to compel the attendance of some of Asamangkese people before his tribunal at Kibi for offences falling within the provisions of the Native Administration Ordinance.¹ During their detention in Atta's prison at Kibi those people received "revolting treatment".²

The next year, May 1929, the Government strengthened the position of Atta further by passing the Native Administration (Amendment) Ordinance, No. 12 of 1929, which enabled the state councils to defend their constitutions against "subversive acts".³ Section seventeen of this amendment introduced provisions for the punishment of persons who would instigate opposition to a Paramount Chief and section twenty-nine enabled a Paramount Chief to detain any person for nine months without trial.⁴ The Governor made it clear that the primary object of the amendment was to make people like the Ohene of Asamangkese and his supporters guilty of an offence if they persisted to oppose the authority of their Omanhene.⁵

Immediately after the passage of this amendment, Atta arrested nineteen people of Asamangkese (including councillors

¹G.N.A., Accra, ADM. 1627, op.cit.

²Ibid.

³P.R.O., C.O. 96.689, Minute on the "Native Administration (Amendment) Ordinance No. 12 of 1929".

⁴Ibid.

⁵P.R.O., C.O. 96.689/6456, despatch No. 717 of 27.9.1929 from Guggisberg to Lord Passfield.

and elders) and took them to Kibi.¹ Some of these people were during the period of their imprisonment at Kibi subjected to the most "inhuman treatment".² The Ohene and the Odikro petitioned the Secretary of State against the amendment and described it as retrogressive.³ Their lawyer, Kojo-Thompson -- Sekyi being on a visit to London at the time -- protested against the bad treatment the people of Asamangkese were subjected to by Atta.⁴ He also complained that the political officers, the soldiers, and the police were terrorising the Ohene and his people to yield to Ofori Atta.⁵

During the next month, June, 1929, the two parties agreed to submit their dispute to arbitration. The Government, anxious that the arbitration should take place so that it could end this already protracted dispute, restored the Ohene and the Odikro, deposed by Guggisberg in 1923, to their former positions.⁶

Mr. Justice R.E. Hall, a puisne judge of the Gold Coast Supreme Court, who was appointed an arbitrator, gave his award in September, 1929. It was as follows:

(1) That the stools of Asamangkese and Akwatia were sub-stools of the paramount stool of Akim Abuakwa and that the said stools were

¹P.R.O., C.O. 96.691/6531, Minute on the "petition of Kwaku Amoah, Ohene of Asamangkese and Kwamu Kuma, Odikro of Akwatia" dated 27.9.1929; Report on the Eastern Province, 1929-1930.

²Ibid.

³P.R.O., C.O. 96.689/6456, the petition, dated 21.6.1929, was enclosed in despatch No. 717 of 17.9.1929 from Guggisberg to Lord Passfield.

⁴The Gold Coast Times. 4.11.1930.

⁵Ibid.

⁶The Gold Coast Gazette No. 47 of 1929, p. 121.

subject to and owed allegiance to the said paramount stool;

(2) That the stools of Asamangkese and Akwatia were members of the state council of Akim Abuakwa and its decisions were binding on them;

(3) That the consent of the Paramount Chief was not, according to custom, necessary for the valid alienation of lands held by the stools of Asamangkese and Akwatia;

(4) That the Paramount Chief was, by the custom of Akim Abuakwa, entitled to receive one third of all rents and profits of lands alienated by the stools of Asamangkese and Akwatia, or either of them;

(5) That the stools of Asamangkese and Akwatia were subject to the jurisdiction of the tribunal of the Paramount Chief of Akim Abuakwa, and of the state council of Akim Abuakwa. ¹

Clearly the award was, on the whole, in favour of Atta as he was given one third of the profits of the Asamangkese and Akwatia stools' lands, and this was the important issue of the dispute. The two stools rejected the award and Sekyi, on their behalf, appealed to the Supreme Court against it arguing that it had no legal effect. ²

Ofori Atta seemed to have grown impatient because although the award went in his favour, the two chiefs continued to defy his

¹Gold Coast Reports: Divisional Court 1926-29 and Award in Asamangkese-Akim Abuakwa Arbitration, 1929. (Copy at the British Museum, London. C.S.C.451).

²It is interesting to note that, in contrast to Sekyi, J.B. Danquah defended the attitude of his half-brother, Atta, towards the people of Asamangkese and welcomed the award as fair and decisive. The Gold Coast Times, issue of 5-13.7.1930.

authority. He seemed to have decided to resort to violence as a final means of making the two stools yield to his authority. In May, 1931, one Philip Afoakwa, a supporter of the Ohene, was shot dead by Atta's supporters.¹ Two more people were killed in the clash that followed. West Africa commented that,

if the occurrence shows nothing else, it proves that the recent judgement by which the rights of the Omanhene of Akim Abuakwa to the overlordship of Asamangkese were allowed, are no nearer to being popularly accepted than they were many years ago.²

On its part the Government reacted by putting the Asamangkese area under the "peace Preservation Ordinance" and a force of police was stationed there.³

During the next year, 1932, Sekyi's appeal against the 1929 award was dismissed by both the Supreme Court of the Gold Coast and the West African Court of Appeal. He immediately appealed to the Privy Council. While this appeal was before the Privy Council, the Governor, at the instance of Atta, made, in April 1932, a proclamation declaring that Atta was the owner of all land in his state and that alienation of any of the land by a divisional chief or other persons was not permissible without his consent.⁴ The proclamation also provided that in the event of alienation, one third of the proceeds of the sale should be handed over to the Omanhene.

¹Report on the Eastern Province, 1931/32.

²West Africa, 30.5.1931.

³Report on the Eastern Province, 1931/32.

⁴P.R.O., C.O. 96.705/7307, Notes by Bushe, legal Advisor at the C.O.: West Africa, 2.7.1932.

The making of such a proclamation was unprecedented and indeed unwarranted. In addition, and as the Legal Advisor of the Colonial Office, Mr. Bushe, pointed out, it was likely to prejudice the case of the Asamangkese people who were having appeal before the Privy Council concerning the question of land ownership.¹ The Colonial Office, which was obviously embarrassed by the proclamation, managed, however, to convince the Governor to revoke it by an Ordinance.

The next year, 1933, the Privy Council dismissed Sekyi's appeal against the 1929 award. Sekyi did not give up. At his instance the Ohene and the Odikro petitioned the Secretary of State asking to be independent from Atta's jurisdiction and control.² The petitioners complained, inter alia, that some of their people had been subjected to "gross and brutal treatment" by Atta.³ Predictably, the Secretary of State rejected the petition. It is to be remembered that at the time Atta was in London as the President of the "Gold Coast and Ashanti delegation of 1934". He took the opportunity to discuss the Asamangkese dispute with the Colonial Office Officials.⁴

The Government's intervention in favour of Atta reached its climax in 1935. In that year the Government passed the

¹ P.R.O., C.O. 96.705/7307, Ibid.

² P.R.O., C.O. 96.713/21613, This petition was dated 20.1.1934 and enclosed in conf. despatch of 8.6.1934 from G.A.S. Northcote to Sir P. Cunliff-Lister.

³ Ibid.

⁴ P.R.O., C.O. 96.719/21836, "Extract from a Note of an interview with Sir Ofori Atta at the Colonial Office on 7.8.1934".

Asamangkese Division Regulation Ordinance, "an Ordinance to make provision for the control and regulation of the property, revenues and expenditures of the stools in the Asamangkese Division".¹

The most important provisions of this ordinance were:

- (1) That all incomes of the Asamangkese stool were to be paid to a prescribed Government officer;
- (2) That no alienation of the Asamangkese stool property should take place without the consent of the prescribed officer;
- (3) That the Governor was empowered to suspend or depose any chief who appeared to him to have contravened any of the provisions of the Ordinance;
- (4) That the Governor was empowered to remove a suspended or deposed chief from the Asamangkese division to prescribed area within the Colony;
- (5) That the Governor was empowered to remove persons other than chiefs from certain areas in certain cases.²

The argument against the harshness of this ordinance was well expressed by West Africa in a leading article entitled, "The Asamangkese Ordinance".³ It stated that:

By placing all the resources of the various stools under a "prescribed officer", and by providing for the immediate deposition and/or deportation of Rulers or persons who impede its working in any way, the new ordinance does in a "civilised" manner what even the presence of troops in the

¹ P.R.O., C.O. 96.721/31039, "The Asamangkese Division Regulation Ordinance, No. 3 of 1935".

² Ibid.

³ West Africa, 18.5.1935.

area had been unable to do, it prevents Asamangkese from seeking any legal remedies that might still have been open to her, and -- a point which is noted by all in the Gold Coast with the utmost misgiving -- it provides a precedent for official coercion in almost any state that may prove administratively "difficult" . ¹

The Ohene and the Odikro petitioned against the Ordinance. ²

Sekyi took the issue to courts and sought a declaration that the ordinance was ultra vires of the Legislative Council and repugnant to the laws of England and therefore of no legal effect. ³

This was, however, dismissed by the Divisional Court in July 1936 and Sekyi appealed against it.

In addition the A.R.P.S. seized on the Ordinance as an object of further propaganda against the colonial administration. G.E. Moore and S.R. Wood, the two delegates of the Society then in London, cited the Ordinance as another example of the excessive powers which were unjustifiably given to the Paramount Chiefs under the Native Administration Ordinance. ⁴ They asked for an interview with the Under Secretary of State in order to discuss this "far reaching measure". ⁵ The Under Secretary having refused to see them, they got in touch with R. Kidd, the Secretary of the National Council for Civil Liberties, and asked him to raise the question of the Ordinance with the Colonial Office officials. ⁶

¹ Ibid.

² P.R.O., C.O.96.721/31039, This petition was enclosed in conf. despatch of 9.8.1935 from Ag. Governor to M. MacDonald.

³ G.N.A., Cape Coast, ACC., No. 331/64, (Sekyi's Papers) notes on the Asamangkese-Kibi Dispute.

⁴ P.R.O., C.O.96.718/21752, notes of 12.12.1934 on the petition of the A.R.P.S. of 1934, by G. Creasy.

⁵ P.R.O., C.O.96.721/31052/2, letter of 2.5.1935 from G.E. Moore and S.R. Wood to the Earl of Plymouth, parliamentary Under Secretary.

⁶ G.N.A., Cape Coast, ACC. No. 75/64, letter of 4.6.1935 from G.E. Moore and S.R. Wood to William Coleman, Ag. President of the A.R.P.S.

R. Kidd, at their instance, protested to the Colonial Office about the "unreasonably short time" elapsed between the introduction of bill and the actual passing into law of the Ordinance.¹ He also protested against the Governor's refusal to receive the legal representation of the Ohene and to hear his objections to the terms of the Ordinance.²

Meanwhile Wallace-Johnson, who had newly arrived in the Gold Coast, got involved in the Asamangkesse dispute. Wallace-Johnson was, like Sekyi, vigorously opposed to the Indirect Rule system and saw it as a means by which the colonial administration consolidated its grip on the people.³ He also regarded Ofori Atta as a collaborator with the colonial administration and the two men became very hostile to each other. In fact, at the time of the passage of the Asamangkesse Ordinance in 1935, Ofori Atta was involved in an attempt to get Wallace-Johnson expelled from the Gold Coast.⁴ Hence Wallace-Johnson, like Sekyi before him, saw the Asamangkesse dispute as a means to discredit his foremost enemies, namely, Ofori Atta and the colonial administration. In its first meeting his W.A.Y.L. passed a resolution against the Asamangkesse Ordinance calling upon the Government to consider the advisability of its unconditional repeal.⁵ Wallace-Johnson referred to this Ordinance in his famous article "Has The African

¹G.N.A., Cape Coast, ACC.76/64, letter of 7.9.1935 from R.Kidd to Under Secretary of State.

²Ibid.

³See chapter four above, 135.

⁴See chapter four above, 138.

⁵Wallace-Johnson's papers, at the Institute of African Studies, University of Ghana.

A God" as "an ordinance to grab hold of his [the African] money so that he could not stand economically".¹

Wallace-Johnson's involvement reached a new climax in 1936. In August of that year the Governor deported the Odikro of Akwatia and four of his councillors from the Asamangkese division to the New Juaben district, half way between Accra and Kibi.

Wallace-Johnson was quick to champion the cause of these exiled persons and visited them at their "concentration camp", to use his own words.² There, he claimed, the Government subjected them to a great deal of injustice and suffering and put pressure on them to yield to the Omanhene.³

The question of the deportation of the Odikro became more complicated when G.E. Moore, one of the A.R.P.S.'s delegates then in London, sent to the Colonial Office copies of two letters alleged to have been written by Ofori Atta. The first letter was dated 26.6.1936 from Atta to the Secretary for Native Affairs in which Atta suggested to the Secretary for Native Affairs the deportation of the Odikro and his councillors.⁴ The second letter was dated 8.7.1936 from Ofori Atta to the Commissioner of the Eastern Province in which Atta also suggested that "it is

¹The African Morning Post, 15.5.1936.

²P.R.O., C.O.96.726/31039/1, letter of 5.9.1936 from Wallace Johnson to the Secretary of the L.A.I. enclosure in secret despatch of 22.9.1936 from A. Hodson to Sir C. Bottomley.

³Ibid.

⁴P.R.O., C.O.96.734/31039/1, A copy of this letter was enclosed as Annexure 1 in "Memo. regarding two documents dated 26.6. and 8.7.1936.....".

necessary and incumbent on Government that the Odikro and the four others at Akwatia are deported at any rate.....".¹ Clearly, if authentic, the two letters inferred that there existed a conspiracy between Atta and the Government to act in concert against some people of Asamangkese division and to pervert the administration of justice.

Atta denied having written either of the two letters.² He thought that the whole thing was a trick by E.T. Ashirifie who managed an establishment in Accra known as the "National Service Bureau".³ Ashirifie was a close friend of R.B. Wuta-Ofei, the editor of the Gold Coast Spectator, which had shown "great hostility to Sir Ofori Atta, personally, and Government's action in the political dispute between the stool of the Omanhene, Akim Abuakwa, and the stools of Asamangkese and Akwatia".⁴

Equally the Secretary for Native Affairs and the Commissioner of the Eastern Province denied ever receiving the original of the two letters in question. In the light of these denials the Governor asserted that the letters were "impudent forgeries".⁵ The police even went as far to suggest that the letters were in fact written by Wallace-Johnson.⁶

¹ P.R.O., C.O. 96.734/31039/1, Annexure 2 in "Memo regarding two documents dated 26.6. and 8.7.1936....."

² P.R.O., C.O. 726/31039, "Report on Police Investigation in two letters alleged to have been written by Sir Ofori Atta", enclosure in despatch of 5.11.1936 from A. Hodson to W.G.A. Ormsby-Gore.

³ Ibid.

⁴ Ibid.

⁵ P.R.O., C.O. 96.726/31039, despatch (conf.) of 17.9.1936 from A. Hodson to W.G.A. Ormsby-Gore.

⁶ P.R.O., C.O. 96.726/31039, "Report on the Police Investigation..."

On their part Wallace-Johnson and the A.R.P.S. were, however, convinced that the two letters were genuine and were written by Atta and that the Government acted according to their content.¹ Wallace-Johnson claimed that the originals were destroyed by the Government as soon as it became known that the Secretary of State had been informed of their existence. In any case the Executive Committee of the W.A.Y.L. passed a resolution condemning the action of Atta and the Government and asked for the appointment of an "Independent Commission of Enquiry" to investigate and determine the true state of affairs in the Gold Coast in so far as the general administrative policy of the Government was concerned, and, in particular, the judiciary

which side of the administration seems to be threatened with a process of grave and serious corruption thereby placing the system of the administration of justice all over the country, in a very questionable position....²

Wallace-Johnson also wrote to anti-imperialist organisations in Britain, such as the League Against Imperialism, condemning the action of Atta and accusing the Government of supporting him to the detriment of the interests of the people of Asamangkese and Akwatia.³ The League Against Imperialism, at Wallace-Johnson's instance, raised the question of the two

¹P.R.O., C.O. 96.726/31039/1, letter of 18.9.1936 from Wallace-Johnson to the Secretary of the L.A.I. enclosure in secret despatch of 22.9.1936 from A. Hodson to Sir C. Bottomley.

²C.O. 96/726/31039/1, "Resolutions passed at a special meeting of the Executive Committee of the W.A.Y.L. held on 18.9.1936...", sub enclosure in secret despatch of 22.9.1936 from A. Hodson to Sir C. Bottomley.

³P.R.O., C.O. 96.726/31039/1, Wallace-Johnson's letters of 5.9., 17.9 and 18.9.1936 to the Secretary of the L.A.I. The three letters were enclosed in secret despatch of 22.9.1936 from A. Hodson to Sir C. Bottomley.

letters with the Colonial Office and made R. Sorensen, M.P., to ask the Secretary of State, W.G.A. Ormsby Gore, at the House of Commons about them.¹

In summing up it can be said that there was no conclusive or decisive proof whether Atta wrote the two letters or not.

Equally there was no evidence to support the police's accusation that Wallace-Johnson wrote them. But, whoever wrote them, the public feeling in the Gold Coast seemed to be that as copies had got to England, the originals must have existed.² And in any case Wallace-Johnson and the A.R.P.S. exploited the story of these two letters to the maximum in discrediting Ofori Atta and embarrassing the Government.

Meanwhile the expense of litigation had become overwhelming. By 1931 the two stools of Asamangkese and Akwatia had spent about £120,000 on law-suits.³ Then by the Asamangkese Ordinance of 1935, the Government took control of all the stools' revenues in the Asamangkese division and thus made it even more difficult for the two stools to find money to pay the lawyers. Furthermore the Government continued to increase its pressure on the Ohene and the Odikro. In 1937, for example, thirty-three supporters of the Ohene were arrested for causing a riot and for unlawful assembly.⁴

¹Parliamentary Debates, vol. 315, 1935-36, 1728.

²P.R.O., C.O. 96.726/31039, "Report on Investigation by the Police.."

³P.R.O., C.O. 96.721/31039, conf. despatch of 9.8.1935 from the Ag. Governor to M. MacDonald.

⁴In A.B. Holmes IV, "Economic and Political Organisations in the Gold Coast, 1920-1945", A Ph.D. thesis, University of Chicago, 1972. Holmes has briefly discussed the Asamangkese dispute in his chapter on "Kobina Sekyi and/or the A.R.P.S.". He is, however, more interested in explaining Sekyi's legal involvement in the dispute than studying it within the wider context of the Indirect Rule system.

Finally seeing that the case had been dragging in courts since the early 1920's without a single victory, the Ohene and the Odikro seemed to become convinced that the courts were not after all the right place to solve such a dispute.

Because of all this towards the end of 1937, the Ohene of Asamangkese approached the Acting Commissioner of the Eastern Province and expressed his desire that peace should be established between him and Atta. The Omanhene of Akwapim offered to act as an intermediary. Finally, in May 1938, the Ohene and the Odikro proceeded to Kibi and took the oath of allegiance to the paramount stool of Akim Abukwa ending eighteen years of bitterness and hostility.¹

(2) THE GA PARAMOUNT STOOL DISPUTE, 1918-1935.

Primarily, the stool disputes and destoolments in the Ga state, which were unknown during the pre colonial period but became frequent during the colonial period, were due to the fact that the architects of Indirect Rule tried to evolve a uniform system, based on the Akan institutions, that would apply to all the ethnic groups in the Gold Coast.² The difficulty, however, was that each of the various ethnic groups had its own unique customs and laws. In particular, the institutions of the Ga-speaking people, with which we are here concerned, were, as will be soon explained, distinctly different from those of the Twi-speaking people.

¹ P.R.O., C.O. 96.744/31039, Conf. despatch of 28.6.1938 from G.E. London to M. MacDonald.

² For example, the Vox-Populi, 16.7.1938.

The Ga-speaking people were not a single group either by tradition or in organisation. ¹ Each of the Ga towns, Temma, Accra, Osu, Labadi, Teshi and Nungwa was an independent political unit with a constitution which had grown out of its unique history. ² In contradistinction to the Akan political structure there had never been any political association or confederation between these towns and they had never had a Paramount Chief. ³ The Ga people were originally farmers and lived as scattered extended-family groups or settlements. They had no military organisation or a centralised government. The head-priest (wulomo) of each extended family or farming settlement was its only ruler and the head of its civil affairs. ⁴ The idea of a secular chief was alien to them.

Threatened with extermination by the increase of slave raiding at the end of the Seventeenth century, these farming settlements gathered together into "towns" for mutual protection and set up military organisations which they adopted from their neighbours, the Fanti and the Akwamu. ⁵ Of particular importance was their adoption of the office of the mantse (town-father) and

¹ M.J. Field, Social Organisation of the Ga people, London 1940, p. 72; and M. Manoukin, Akan and Ga Aadangme Peoples, London 1964 (first published 1950), 67.

² M. Manoukin, op.cit. 81.

³ M.J. Field, op.cit. 72.

⁴ M.J. Field, Ibid.; and Religion and Medicine of the Ga People, Oxford, 1962.

⁵ M. Manoukin, op.cit. 67.

its war stool. But this did not carry with it the grandeur and influence concomitant with the Akan chieftainship. A mantse was a man magically treated or "medicined" by placing him three times on the stool so that its influence passed into him making him supernaturally brave and invincible.¹ His presence among his warriors therefore was held to confer upon them a kind of "induced charge" so that they too become magically brave.² But he was only magically useful in the war; he was not a military leader, and stood apart with his stool during the battle, protected by a special bodyguard.³ In peace time he had no authority or importance.⁴ The head-priests (wulomei) remained the heads of civil affairs.

It is also important to note that a mantse was made a mantse by a magical process and that this process could not be undone.⁵ In other words, he, unlike an Akan chief, could not be "destooled" and replaced by another mantse.⁶ If a mantse misbehaved in any serious way, he was either killed or simply ignored. In short the Ga people had no custom of destoolment.

Since most of the early negotiations between the Europeans and the Africans were concerned with warfare, it was

¹M.J. Field, Social Organisation, 73.

²Ibid.

³Ibid.

⁴M. Manoukin, ^aop.cit., 82.

⁵Ibid.

⁶Ibid.

natural that they took place through the mantsemei (plural of mantse). Motivated, however, by the mistaken belief that Africans should "naturally" have a chief who ruled them, the Europeans treated these mantsemei as secular chiefs possessing executive and administrative powers on their people.¹ In other words, the position of the mantse as a secular chief was, like that of the "warrant chief" in Eastern Nigeria² virtually erected by the Europeans.

The British went a step further by assuming that the Ga people, like the Akan, must have a "Paramount Chief" as the overall or supreme head of their military and civil affairs. Accordingly they chose one of the Accra mantsemei and made him the Ga Mantse (Paramount Chief) of all the Ga people.³ He was not even, as M.J. Field noted, the most senior mantse of Accra.⁴ Accra, M.J. Field explained, was divided into seven quarters or subdivisions, namely Asere, Gbese, Sempe, Akumandez, Otublohu, Abola and Alata, each with a mantse.⁵ The senior of these mantsemei was that of the Asere. It was, however, the Abela mantse and not the Asere who was treated by the British as

¹For example, J.B. Christensen, "African Political System: Indirect Rule and Democratic Process", in Phylon, XV, 1, 1954, 69-83.

²See chapter one above.

³M.J. Field, Social Organisation, 18.

⁴Ibid part D.

⁵Ibid.

Ga Mantse.¹ In short, the office of the Ga Mantse, like that of the mantse, was virtually a European creation.

Apparently when the British first created the position of the Ga Mantse they were ignorant of the true nature of the Ga institutions. But after the Department of Native Affairs was established in 1902 some investigations were made by the administrative officers in the history and institutions of the Ga.² From an enquiry made by the Acting Secretary for Native Affairs in 1921, for example, it was clear that the Government had a reasonably good idea about the Ga institutions and it was aware that they were distinctly different from those of the Akan.³ Nonetheless, evidently as an attempt to simplify administration by issuing directives through one person, it kept the office of the Ga Mantse. They even, as we shall explain later in this chapter, formally recognised him in 1927 as the Paramount Chief of the whole Ga people.

Naturally the Ga people objected to the Europeans' policy of treating the mantsemei and the Ga Mantse, contrary to the Ga customs and laws, as rulers having secular executive powers. The Ga people realised, however, that with the advance of the pax-Britannica, they could no longer kill their misbehaved mantsemei and could not even simply ignore and desert them, as the colonial administration was recognising and supporting their powers.⁴

¹ Ibid, p.151.

² G.N.A., Accra, ADM.11/1673, "Notes of Evidence of the Commission of Enquiry into the Tribal Organisation of the Gas, 1907".

³ G.N.A., Accra, ADM.11/1676, "Notes of Evidence at Enquiry into alleged Destoolment of Tackie Yaoboi", by C.W. Welman, the S.N.A.

⁴ G.N.A., Accra, C.S.O.1246/31, "The Ga People and N.A.O.", remarks of 26.8.1938 by M.J. Field, the Government Social Anthropologist.

So to protest against the colonial administration's policy of giving the mantsemei and the Ga Mantse powers that did not belong to them under the Ga customs and laws, the Ga people adopted the Akan practice of destoolment.¹ This was first applied against mantsemei who associated themselves closely with the Europeans.² It was then applied against the Ga Mantse.

The first destoolment of a Ga Mantse in the history of the Ga took place in 1918.³ This was of Tackie Obili who committed the offence of pledging the stool lands of his ancestors to Europeans for a loan of money without consulting his people.⁴ His destoolment was opposed by his Abola Kpatashie family which continued to treat him as a Ga Mantse. The Otublohu quarter also opposed his destoolment. The mother of Tackie Obili was related to the mantse of Otublohu by marriage.⁵ The rest of Accra mantsemei were, however, all in favour of the destoolment and the Government had no choice but to confirm it. The destoolment of Tackie Obili marked, as we shall soon see, the beginning of a long dispute in the Ga state.

Tackie Obili's successor as Ga Mantse was Tackie Yaoboi who assumed office in 1919. Yaoboi was the President of A.R.P.S.

¹ P.R.O., C.O. 96.654, memo. of 5.4.1925 on the Affairs in Accra, by the S.N.A., enclosure in despatch of 4.4.1925 from Guggisberg to L.S. Amery.

² G.N.A., Accra, C.S.O., 1246/31, op.cit.

³ G.N.A., Accra, ADM.1674, "Notes of Enquiry into alleged Destoolment of Tackie Obili, Ga Mantse, 1918", by J. Furley, the S.N.A.

⁴ Ibid.; P.R.O., C.O. 96.654, op.cit.

⁵ P.R.O., C.O. 96.654, op.cit.

section of the Eastern Province. He was also from the start, unlike the majority of the Paramount Chiefs of the Eastern Province, a staunch supporter of the N.C.B.W.A.¹ As a result, relations between him and Ofori Atta, the leading critic of the Congress, became strained, particularly after the latter was booed by supporters of the former after a heated Legislative Council meeting on 24 April, 1921, during which Casely Hayford made his major attack on Atta.²

Yaoboi's support for the Congress provided his opponents with a convenient weapon they could use to undermine his authority.³ In 1921, for example, the mantesemei of Otublohu, Asere and Sempe claimed to have destooled him.⁴ The Government made enquiry into their allegations but they failed to substantiate their charges against him.⁵ They reluctantly renewed their allegiance to him.

The first serious challenge to Yaoboi came, however, in 1924. The immediate cause of this was the passing of the "Municipal Corporation Ordinance of 1924". This provided for, among other things, the replacement of the official president of a town council by an African mayor, and a graduated rating scheme.⁶

¹ Sessional Paper No.X, 1920-21, "Further Correspondence relating to the N.C.B.W.A.".

² J.A. Langley, Pan Africanism and Nationalism in West Africa, 1900-1945, Oxford, 1973, 171.

³ Ibid. 71-72.

⁴ P.R.O.C.O.96.654, Ibid.

⁵ Ibid.

⁶ Kimble, A Political History, 446.

The usual practice of publishing bills in the gazette was not followed in the case of this Ordinance but, immediately after its passage, a copy came into the hands of one J.D. Garshon, an Accra auctioneer, who brought it to the notice of the Asafo and the Manbii (townspeople). ¹ The Asafo and the Manbii held a meeting which concluded that Yaoboi, the Ga Mantse, knew about the Ordinance, "a law affecting them", but failed to tell them about it. ² Furthermore they accused him (mistakenly however) of the unpopular transference of the old market to a new one and an increase in the rents for market stalls and for other hardships. ³ The Asafo and the Manbii then drew a petition against the Ordinance in which they complained that

it infringes upon the position of the Ga Mantse and Native custom and they also became certain that the powers and duties of the Mayor will greatly interfere with them and apart from the burden of taxes which the Municipal Corporation Ordinance, 1924, introduces, it also greatly in any way, shape and form, infringes upon the right, duties and privileges of the chiefs of the Colony and Native Custom.... ⁴

It must be remarked that although the Ordinance itself was unpopular, the Asafo and the Manbii were equally opposed to Yaoboi's attempt to act independently of them. ⁵ They were convinced that Yaoboi co-operated with the Government behind

¹ Sessional paper No.X, 1925-26; Report of an enquiry held by C.W. Welman, the S.N.A., into the destoolment of the Ga Mantse.

² Ibid.

³ P.R.O.C.O.96.654, Ibid.

⁴ P.R.O., C.O.96.665/4528, "The petition of Asafo and mantsemei Gbese, Asere, Sempe, Otublohu, and Akumaji, dated 9.5.1925, enclosure in despatch No.450 of 27.6.1925 from Guggisberg to L.S. Amery.

⁵ G.N.A., C.S.O.1246/31, Ibid.

their back, a thing they could not tolerate. They even became more convinced of their opinion when Yaoboi refused to sign their petition against the Ordinance and instead he brought a suit against the prime movers in the agitation and claimed £5,000 damages.¹ As a result of this the mantse of Gbese and one Nattey, a leader of the Asafo, were fined £20 and £30 respectively.² Nine other persons were fined £10 each and one person £15.³ The Asafo and the Manbii reacted by declaring Yaoboi destooled. His destoolment was positively approved by five of Accra's seven quarters.⁴ Of the remaining, Alata was opposed to it while Abola maintained to be neutral.⁵ The A.R.P.S. intervened to make peace between Yaoboi and his opponents, but its attempt failed because the Asafo and the Manbii objected to the Ordinance totally while the A.R.P.S. objected to certain features in it.⁶

The Governor decided to appoint C.W. Welman, the Secretary for Native Affairs, as a commissioner to enquire into the question whether Yaoboi had or had not been destooled according to the Ga customary law. But, as has been already described, strictly speaking, the Ga people had no prescribed rules for the destoolment of their chiefs. The Commissioner thus, as he himself admitted,

¹P.R.O., C.O. 96.654, Ibid.

²Ibid.

³Ibid.

⁴Sessional Paper No.X of 1925-26, op.cit.

⁵Ibid.

⁶Ibid.

applied the procedure connected with destoolment among the Akan.¹ According to the Akan customary law before a chief was destooled charges were framed against him and he was given opportunity to reply to them.² The Commissioner maintained that this was not noticed in the destoolment of Yaoboi and accordingly concluded that Yaoboi's destoolment was "irregular and not in accordance with native law and custom".³ On the strength of this Governor Guggisberg decided not to confirm Yaoboi's destoolment. Guggisberg was not sympathetic with Yaoboi, who was closely associated with the N.C.B.W.A., but he was alarmed by the increasing number of destoolments and was anxious to stop or at least lessen them.⁴

The opponents of Yaoboi were disappointed with the Governor's decision. They argued that although they had borrowed the practice of destoolment from the Akan, they did not borrow all the procedure connected with it. They held that the destoolment of Yaoboi was approved by the majority of the mantsemei and their people and this was enough reason for his destoolment.⁵ Finally they proceeded to the Government House protesting against the Governor's decision and proclaiming that whatever the Governor said they could not serve Yaoboi as Ga Mantse.⁶ The police

¹ Ibid.

² For example see Casely-Hayford. Gold Coast Institutions, London 1970, (first edition 1903) 36.

³ Sessional paper No. X of 1925-26, Ibid. Also Report of the Native Affairs Dept. 1924-25.

⁴ See chapter three above.

⁵ P.R.O., C.O. 96655, "petition by J.C. Okai and four others protesting against Governor's decision that the destoolment of Ga Mantse was not in accordance with native law and custom", enclosure in despatch No. 450 of 27.6.1925 from Guggisberg to L.S. Amery.

⁶ P.R.O., C.O. 96.654, Ibid.

intervened and several people were beaten and others arrested and charged before the police Magistrate and remanded.¹ Guggisberg stood his ground, however, and kept Yaoboi as Ga Mantse in spite of the overwhelming wish of his people to remove him.

During the next year, 1925, the Government created the Provincial Councils of the Paramount Chiefs, which were largely based on the tradition of the Akan chiefs to assemble and act in collaboration. Two years later the Government enacted the Native Administration Ordinance which was also thoroughly constructed on the Akan political system with its most distinguished feature, namely that of a traditional state with a Paramount Chief as its supreme head.

The Native Administration Ordinance was, however, applied to all the ethnic groups in the Gold Coast. With respect to the Ga people it formally recognised the Ga Mantse as the Paramount Chief of all the Ga speaking people and gave him specific executive, judicial and fiscal powers.² The Native Administration Ordinance also brought the Ga people under one "state" and created the "Ga state council" as the ultimate authority in dealing with all political and constitutional disputes.³

As we have already observed the Ga towns were originally independent of one another and did not co-operate in political matters. So the Ga state council as constructed by the Native

¹Ibid.

²For definitions of a paramount chief see the N.A.O. No.18 of 1927.

³For definitions and functions of a state council see the G.C. No. 18 of 1927.

Administration Ordinance had no traditional basis and was entirely a British creation. Some of the Ga chiefs, in fact, complained that the Native Administration Office was introduced by Akan chiefs and might be suited to Akan customs and institutions but it did nothing but undermine the power of the mantsemei who had no such an office as a Paramount Chief, but were all equally members of the greater tribunal of the Ga nation.¹

Ironically, although the Native Administration Ordinance recognised Tackie Yaoboi as the Paramount Chief of the Ga people and gave him powers that did not belong to him under the Ga customary law, still he declared himself against it. Yaoboi was the President of the A.R.P.S. section of the Eastern Province and since that society had strongly come out against that Ordinance, he seemed to have little choice but to associate himself with its stand.² Another reason for Yaoboi's opposition to the Native Administration Ordinance was apparently because it had been introduced into the Legislative Council by his traditional rival, Ofori Atta.

In any case Yaoboi's opposition to the Native Administration Ordinance provided his opponents with a new weapon to destool him. The Ga state council which owed its existence and powers to the Native Administration Ordinance could not tolerate Yaoboi's opposition to that Ordinance. Hence, in February 1929, the state

¹ West Africa, 4.8.1928.

² For more on Yaoboi's opposition to the N.A.O. see chapter three above.

council declared Yaoboi destooled and the mantse of Gbese, Ayi Bonte, was selected to act as Ga Mantse.¹ The state council then re-elected Tackie Obili, who was destooled in 1918, as Ga Mantse.

The supporters of Yaoboi refused to accept his destoolment by the state council. As a result, the dispute was referred in 1932 to the Provincial Council of the Eastern Province.² The members of the Provincial Council, including its president, Ofori Atta (and Yaoboi's opponent), were predominantly Akan. Naturally the procedure adopted by the Provincial Council was based on Akan, and not Ga, laws and customs. The Provincial Council approved of Yaoboi's destoolment and recommended that the election and installation of Tackie Obili as Ga Mantse should be recognised by the Government.³ The Government approved of their recommendations. But the supporters of Yaoboi refused to accept this. In practice, from now until the end of the colonial period, the Ga people became permanently divided into two groups or factions each recognised a different Ga Mantse, and the destoolment by each faction of the other Ga Mantse became an annual ceremony. By forcing the Ga people to adopt the Akan practice of destoolment and by trying to force on them Akan usages and customs the colonial administration was responsible for the protracted dispute in the Ga paramount stool (i.e. that of the Ga Mantse).

¹Report on the Eastern Province, 1929-30.

²Report on the Eastern Province, 1931-32.

³Ibid. Also the Gold Coast Times, 25.2.1933.

Finally, it would perhaps be important, and indeed interesting, to briefly examine how the Ga paramount stool dispute affected the Accra municipal elections to the Legislative Council. The first such election under the 1925 Constitution took place in 1927. The men of the N.C.B.W.A. decided to cease their boycott to the Legislative Council and formed the "Ratepayers Association" as an organisational vehicle for winning the election.¹ They chose J. Glover Addo as their candidate.

Kojo-Thompson formed the "Manbii Party" to secure his own election. He claimed that his party, as its name indicated, represented the mass of the people while the Ratepayers represented only the educated elite.² His claim was not completely unfounded. He had always been active in Accra local politics and in 1924, for example, he was prominent in the agitation against the Municipal Corporation Ordinance. This Ordinance, as we have described, was strongly opposed by the Asafo and Manbii of Accra. In 1926, however, he accepted nomination to the Legislative Council and this gained him much unpopularity. But his solitary and fierce opposition to the Native Administration Ordinance when it came to discussion in the Legislative Council in 1927 seemed to have regained him his lost popularity.³ If anything distinguished Kojo-Thompson from

¹Kimble, A Political History, 452.

²For example, A.B. Holmes IV, op. cit.

³S. Shaloff; "The Press and Politics in Accra: The Accra Legislative Council Election of 1935", in Societies - A Review of Social History, Vol.1.No.3, 1971.

the majority of the intelligentsia, it was his ability and courage to say strong words against the colonial administration.

Unfortunately for him, however, when the 1927 election took place, the Ga Mantse was Tackie Yaoboi, who was a leading supporter of the N.C.B.W.A. Naturally Yaoboi gave his support to the Rate-payers' candidate. In fact Yaoboi beat the gong-gong asking the people to vote for Addo.¹ Several factors, which is not our purpose to discuss here, had determined the victory of Addo, but it seemed certain that Yaoboi's support for him was vital and decisive.

Accra's second election for the Legislative Council took place in 1931.² The two principal candidates were Dr. Nanka-Bruce of the Ratepayers, and Kojo-Thompson, the President of the Manbii Party. Meanwhile Yaoboi was destooled in 1929 as Ga Mantse and the Mantse of Gbese, Ayi Bonte, was acting as Ga Mantse. Unfortunately for Kojo-Thompson, Bonte, like Yaoboi before him, was a strong supporter of the Ratepayers. Hence he also beat the gong-gong asking the people to vote for Nanka Bruce.³ Kojo Ababio IV, the mantse of James Town, who was also a supporter of the Ratepayers, even sat next to the clerk's table during the balloting.⁴

¹ A.B. Holmes IV, op.cit.

² This election was well covered by the Times of West Africa, see e.g. the issues of 20.7., 20.8., 8.9., 15.9., and 16.9.1931.

³ Ibid.

⁴ The Times of West Africa, 17-18.9.1931.

Nanka Bruce won the election.¹ Once again the internal politics of the Ga state seemed to have played a decisive role in the result of the election.

Accra's third election to the Legislative Council took place in 1935. Once again the two principal candidates were Dr. Nanka-Bruce and Kojo Thompson. But things were now different. Not only did Kojo Thompson receive the support of Wallace Johnson and Azikiwe, both newly arrived in the Gold Coast, but, and perhaps most importantly, he received the crucial support of the Ga Mantse.² The Ga Mantse in 1935 was Tackie Obili who was a bitter rival of the former Ga Mantse, Tackie Yaoboi, and was opposed to the Ratepayers. Obili was in fact one of Kojo Thompson's nominators. As Yaoboi and Bonte beat the gong-gong in 1927 and 1931 in support of the Ratepayers' candidates, so in 1935 Obili beat the gong-gong in support of Kojo Thompson.³ Kojo Thompson triumphed over Nanka Bruce. His victory seemed to be primarily due to the change in the balance of power in the politics of the Ga state rather than being a class or mass triumph over the educated elite as Wallace Johnson wanted us to believe.⁴

¹The result was as thus:
 Dr. Nanka Bruce.....806
 Kojo Thompson.....558
 See the Times of West Africa, 16.9.1931.

²S. Shaloff, op.cit.

³Ibid.

⁴Wallace-Johnson's papers.
 Kojo Thompson was removed from the Legislative Council after a controversial bribes charge. (For a brief information on this see West Africa, 22.7. and 29.7.44 and P.R.O., C.O.96.777/31013; Kojo Thompson's case). He was replaced by A. Sawyer, a prominent member of the Ratepayers. And when Burns' Constitution of 1946 increased Accra's representatives to the Legislative Council to two, the first two to be elected were A. Sawyer and Nanka Bruce, both of the Ratepayers.

CONCLUSION

It is hoped that this study has succeeded in adequately examining, investigating and assessing the nature and significance of the anti-colonial protest and resistance of both urban and rural Africans in Southern Ghana to the British policy of Indirect Rule during the second quarter of this century.

It has been argued that there were various factors or motives which triggered the African protest against the Indirect Rule system. Among these factors was the democratic nature of the indigenous institutions. The Akan political system was characteristically democratic in theory and practice and provided the people with a large measure of control over their chiefs. An Akan chief was elected by the people and could be destooled by them; he could not act independently of his council and his people. By contrast, the Indirect Rule system was by nature authoritarian and it aimed at giving the chiefs autocratic powers over their people.

The story of the Indirect Rule system in Southern Ghana was essentially one of struggle between an autocratic colonial system and a democratic indigenous one. Through the Indirect Rule system, the colonial administration attempted, first, to impose overriding control over the chiefs, and secondly, to integrate them completely into its machinery of government. However, this was not possible. When the people felt that their chief was defying their wishes by supporting unpopular colonial policies, they simply destooled him. The destoolments which became very frequent during the colonial era, particularly during the period covered by this study, represented the reaction of African society to the tendency of the chiefs to accept or to try to

enforce unpopular governmental measures. The weapon of destoolment proved very effective in frustrating Indirect Rule policies. The people jealously guarded their customary institutions and objected to the colonial Government's involvement in the day-to-day affairs of their stools. In short, due partly to the democratic nature of the Akan political system and the traditional checks and balances provided by it, it was not possible to establish in the Gold Coast colony an orthodox or a Lugardian model of Indirect Rule.

Another factor involved in the anti-colonial protest and resistance by Africans was the question of the inherent rights of jurisdiction of the chiefs. In their opposition to the Indirect Rule system, the African spokesmen, including the chiefs, maintained that the chiefs' rights of jurisdiction were inherent in them by virtue of the position to which they had been elected by their people and denied that they were derived from and exercisable at the will of the Crown. The spokesmen argued that the Gold Coast was not conquered or ceded and thus the British Crown could not claim sovereignty over the chiefs, and it certainly could not appoint or dismiss them. This argument was advanced against virtually every measure of the British to regulate chieftaincy. Because this argument was frequently cited by the African leaders, it became a unique feature of the Indirect Rule system in the Gold Coast, if compared, for example, with that in Nigeria or Tanganyika, that until 1944, the legislation avoided any explicit commitment to the absolute sovereignty of the Crown and consequently the relationship between chiefs and Government officials was never adequately defined.

It was similarly a unique feature of the Indirect Rule system in the Gold Coast that, due to African opposition, until the mid-1940s, the colonial Government found it very difficult to establish treasuries or to introduce direct taxation for the upkeep of the "Native Authorities". Treasuries and a direct taxation scheme were essential attributes of any classical system of Indirect Rule.

Another factor behind African protest was that western education, Christianity, economic growth and the activities of the press, all tended to weaken the authority of the chiefs and consequently contributed to the failure of Indirect Rule. Both the intelligentsia and the semi-educated "youngmen" came out strongly against the Indirect Rule policy, because, in their opinion, it tended to turn the balance of political power in favour of the chiefs. Because of their education and economic resources, the intelligentsia, in particular, considered themselves, and not the chiefs, destined to the political leadership of the country. Equally the "youngmen" resented the fact that the Indirect Rule system totally excluded them from both political and economic benefits. Education itself, which since the 1920s came to be demanded on a large scale, was looked upon as a means for a good job.

In short, as a result of western education and economic growth, there was a complete new system of social stratification; the chiefs, the intelligentsia and the "youngmen" were all in conflict with each other over political power. In the final analysis, it can be said that the chiefs lost in this struggle. When self-government was achieved in 1951, political power was not inherited by the chiefs as the colonial administration hoped and planned but was inherited by completely new social forces.

It must be stressed, however, that both the intelligentsia and the "youngmen" were not against the concept of chieftaincy itself; their respect for the position of the chief as a representative of the stool was never in question. Indeed, contrary to the view held by the colonial officials, it was very misleading to speak in the Gold Coast of "detribalised" or denationalised" Africans. Amid all the economic and social changes which took place during the colonial period with gathering speed and intensity, the life of the people continued to centre around their stools. The Gold Coast indigenous customary politico-social system was designed to show the greatest respect for the concept of chieftaincy. Perhaps that is one reason why chieftaincy survived.

Ironically, a second reason why chieftaincy survived was due to the power to destool which the people possessed under the indigenous customary institutions. Although this was resented by the chiefs as it forbade them to acquire all the powers available to them under the Indirect Rule system, the threat of destoolment prevented chiefs from allowing themselves to be too closely identified with or integrated into the colonial system.

Some credit must also be given to the chiefs themselves in preserving the dignity and prestige of chieftaincy. First, the chiefs tried, even if on a small scale, to accommodate themselves to the ongoing educational and social changes by seeking to educate themselves and their heir-apparents. Secondly, some of the chiefs, although a minority, were very prominent in the leadership of the nationalist movement. In spite of their rivalry over political power, the chiefs, the intelligentsia and the "youngmen" found it possible to agree on

issues of a national nature such as the demand for constitutional reforms and the Africanisation of the civil service. Even Ofori Atta, the staunch supporter of the colonial Government's Indirect Rule policies, found it possible on various occasions to resist British authority and to associate himself with the causes of his people. Indeed, it can be said that the relationship of the chiefs with the colonial Government was, in general, one of both cooperation and resistance. The colonial Government did not completely succeed in its policy of dividing or divorcing the chiefs from the rest of the African community.

By and large the chiefs in the Gold Coast emerged from the colonial era with much of their political base intact. This was why even Nkrumah could not remove the chiefs, had he genuinely wanted to, because their power base was such that while they could not challenge the regime, any attempt to remove them would have caused a reaction which Nkrumah could not politically afford.

The students of Ghanaian nationalism have largely concentrated on and, as a result, have sometimes overemphasised the role of the urban educated elite. The role of the illiterate rural people, who constituted the majority of the country's people, has been very much neglected. A primary objective of this study has been to focus more attention on the political activities of the rural people and consequently to offer a better understanding of political development in Ghana. It has been argued that, primarily through the Asafo system, the rural people played a crucial role in the development of Ghanaian nationalism. One can argue here against Austin who stated that:

Only in the municipalities, among the small group of lawyers and teachers, were there any obvious signs of discontent. Elsewhere the dominant feature of the Gold Coast scene was a seemingly universal attachment to local chiefdoms, lineages, and village groups, and an absorption in local interests which was encouraged by the decentralized nature of the colonial administration under which Commissioners controlled their districts with a minimum of interference from Accra. 1

Indeed, the discontent in the rural areas was no less, if not more, than in the three municipalities of Accra, Cape Coast and Sekondi. In the Gold Coast, as we have explained in this study, the rural people had a long and impressive record of anti-colonial protest. What Nkrumah did was to exploit this discontent and dissatisfaction found among the illiterate rural people and use it for his cause. Indeed, it was mainly these rural people who gave the C.P.P. its election successes. It is interesting to note that Nkrumah seemed to be aware of the vital role played by the Asafo in the rise of the C.P.P. and even suggested that, "The Asafo companies ... should be properly uniformed and perform their traditional role in a modern manner". 2

By and large it seems no exaggeration to suggest that the role of the illiterate rural people and their long anti-colonial protest was equally vital to achieving independence as that of the educated Africans.

Finally, this study has described and examined the different forms of African anti-colonial protest which ranged from passive non-cooperation to violent "disturbances" and "riots". This anti-colonial protest was usually organised, forceful and above all successful. Indirect Rule policies such as the Provincial Councils system, the Native Administration Ordinance, direct taxation, the stool treasuries system, etc., were seriously challenged and their application was frus-

¹D. Austin, Politics in Ghana, 66-67.

²Quoted in M. Owusu, op.cit., 41.

trated. In short, because of African protest and resistance, the classic application of Indirect Rule of the type developed by Lugard in Northern Nigeria was never successfully applied in the Gold Coast Colony.

BIBLIOGRAPHY(A) UNPUBLISHED SOURCES(I) MANUSCRIPTS IN THE PUBLIC RECORD OFFICE (P.R.O.), LONDON
(SELECTIVE BIBLIOGRAPHY)General

- P.R.O., C.O. 96.4, correspondence on the 1844 Bond
- " " 67, King Aggrey to Governor R. Pine on British jurisdiction
- " " 89,
- " " 94, Correspondence on the Fante Confederation
- " " 104,
- " " 120,
- " " 124,
- " " 125, Correspondence on the Native Jurisdiction Ordinance
- " " 130,
- " " 191,
- " " 693/6599/1930, "Native Administration in the Gold Coast and its Dependencies", a conf. Minute by Governor A. R. Slater, dated 16th Dec., 1929 and enclosed in conf. despatch of 18.2.1930 from Slater to Lord Passfield.
- " " 697/6903/B/1931, "History of Legislation in connection with Native Jurisdiction in the Gold Coast and suggested amendments to the Native Administration Ordinance of 1927", a conf. memo. by W. J. A. Jones, the S.N.A., enclosure in conf. despatch of 13.10.1931 from Slater to J. H. Thomas.
- " " 730/31228/1936, Proposals by the Colonial Office and Governor A. W. Hodson on the introduction of Indirect Rule in the Gold Coast.
- " " 749/31228/1938, "Summary of Proposals in connection with the introduction of Indirect Rule in the Gold Coast Colony", a memo. prepared at the Secretariat, Accra, 1938.
- " " 775/31458/2/1943, Correspondence on the Native Authority (Colony) Ordinance of 1944 and the Native Courts (Colony) Ordinance of 1944.

The Provincial Councils of the Paramount Chiefs

- P.R.O.,C.O.96.649/1924, The establishment of the Provincial
 " " 666/5983/1926 Councils and Africans' Opposition to
 " " 719/21836/1934 On the defects and shortcomings of the
 " " 742/31317/1937 Provincial Councils
 " " 763/31013/5/1940, The Electoral Law (Amendment) Ordinance
 of 1944

The Native Administration Ordinance of 1927

- P.R.O.,C.O.96.673/4308/1927, Africans' protest against the Native
 " " 677/6033/1928 Administration Ordinance
 " " 697/6903/B/1931, On the defects of the Native Adminis-
 tration Ordinance

The A.R.P.S.

- P.R.O.,C.O.96.648/1924, The A.R.P.S. petition and protest
 " " 666/5983/1926, against the 1922 Native Jurisdiction Bill
 " " 704/7259/1932, The A.R.P.S. petition and protest against
 the 1925 Constitution
 " " 718/21752/1934, The A.R.P.S. opposition to direct taxation
 " " 723/31135/1935, The A.R.P.S. delegation of 1934
 " " 728/31135/1936,

Wallace-Johnson and the W.A.Y.L.

- P.R.O.,C.O.96.717/21750/pt.2/1934, Wallace-Johnson and the W.A.Y.L.
 activities against Sedition Bill
 " " 726/31039/1/1936, Wallace-Johnson relationship with Ofori
 Atta
 " " 727/31096/A/1936, Wallace-Johnson and the W.A.Y.L.'s pro-
 " " 728/31134/1936, test against the Levy Bill
 " " 742/31317/1937, Wallace-Johnson relationship with the
 chiefs

The Press

- P.R.O.,C.O.96.707/1613/1933, Proposals on the control of the press
 " " 729/31205/1936,
 " " 724/21630/1934, The Newspapers, Books, and Printing Press
 Bill of 1934
 " " 716/21729/1934, The Sedition Bill of 1934

Direct Taxation and the Stool Treasuries System

- P.R.O.,C.O.96.663/1926 "Direct Native Taxation and the Share of Native Governments in the produce of Taxation", a memo. by C. W. Welman, the S.N.A., 1926
- " " 699/7050/A/1931, Governor Slater proposed taxation scheme
- " " 699/7050/B/1931, and the Africans' opposition to
- " " 700/7109/1931,
- " " 704/7260/1932, The proposed Native Administration Revenue
- " " 722/31096/1/1935, Ordinance
- " " 728/31134/1936, The Levy Bill of 1936
- " " 752/31352/1938, The Native Administration Treasuries
- " " 760/31352/1939, Ordinance of 1939

The Asafo activities

- P.R.O.,C.O.96.706/7391/1932,
- " " 707/1659/1933, Asafo activities in Cape Coast
- " " 708/1659/1933,
- " " 773/3116/1941-43, Asafo activities in Winneba
- " " 783/31537/1944-46, Asafo activities in Akim Abuakwa

Stool Disputes

- P.R.O.,C.O.96.638/1923,
- " " 689/456/1929,
- " " 691/6531/1929,
- " " 705/7307/1932, The Asamankese-Akim Abuakwa Dispute
- " " 713/21613/1934,
- " " 721/31039/1935,
- " " 726/31039/1936,
- " " 727/31039/1936,
- " " 655/1925,
- " " 656/1925, The Ga Paramount Stool Dispute
- " " 665/4528/1926,
- " " 666/5983/1926,

(II) MANUSCRIPTS IN GHANAGhana National Archives (G.N.A.), Accra (Selective Bibliography)

- G.N.A.,ADM.11/720,case No.67/1918, Akim Abuakwa: Election and deposition of chiefs
- " " 721, Quarterly Reports, Kibi
- " " 738,case No.10/1919, Asafo: origin and powers
- " " 865,case No.10/1924, The Oman or Native Authority: its constitution, functions, etc.
- " " 908,case No.9/1927, Notes of interviews between officials and chiefs
- " " 921,case No.24/1925, Provincial Councils of the Chiefs
- " " 928,case No.32/1925, Stool Treasuries

| | |
|--------------------------------------|--------------------------------------------------------------------------------------------------------|
| G.N.A., ADM.11/974, case No.21/1927, | The Native Administration Ordinance of 1927 |
| " " 987, case No.37/1927, | The Press criticism of the N.A.O. |
| " " 1012, case No.31/1928, | Tribunal Registrars' training courses |
| " " 1064, case No.30/1930, | The Provincial Council of the Eastern Province |
| " " 1065, case No.31/1930, | The Provincial Council of the Western Province |
| " " 1066, case No.32/1930, | The Provincial Council of the Central Province |
| " " 1089, case No.8/1928, | Accra Native Affairs, 1920-28 |
| " " 1096, | Akim Abuakwa Native Affairs |
| " " 1105, case No.7/1931, | Asamangkese Native Affairs |
| " " 1259, case No.23/1922, | The A.R.P.S. |
| " " 1136, | Asafo activities in Winneba |
| " " 1439, case No.81/1931, | The Asafo system in the Gold Coast |
| " " 1627, | The History of the dispute between Asamangkese and the Paramount Stool of Akim Abuakwa |
| " " 1630, | Asamangkese lawsuits, 1922-32 |
| " " 1632, | The Cape Coast dispute of 1932 |
| " " 1633, case No.37/1930, | Cape Coast Native Affairs, 1930-32 |
| " " 1637, | Petition and papers of the A.R.P.S. 1934 |
| " " 1673, | Notes of evidence of the commission of enquiry into the tribal organisations of the Gas, 1907 |
| " " 1674, | Notes of enquiry into alleged destoolment of Tackie Obili, Ga Mantse, 1918 |
| " " 1676, | Notes of evidence at enquiry held into alleged destoolment of Tackie Yaoboi, Ga Mantse, 1921 |
| " " 1764, | Notes by A. Ffoulkes on the Asafo system of Cape Coast |
| " ADM.29/1/92, case No.111/1932, | Correspondence on the A.R.P.S. |
| " 32/14, case No.34, | Akim Abuakwa stool Treasury |
| " 22, case No.B.11/10, | Asafo activities in Akim Abuakwa |
| " 127, case No.1695/B, | Kwahu Native Affairs |
| G.N.A., C.S.O.22/32, S.F.1, | Native Revenue system - trouble in Akim Abuakwa |
| " " 372/30, S.F.29, | Direct Taxation |
| " " 0389, S.F.38, | Memorandum on the Native State Treasuries |
| " " 389/32, | Disturbances at Saltpond on the occasion of the meeting of the Joint Provincial Council in April, 1932 |
| " " 392/30, S.F.39, | Suggested amendments of the N.A.O. |
| " " 0975, | Proposals on the suppression of the Asafo system |
| " " 1119, S.F.4, | Expenses of chiefs at sessions of the Joint Provincial Council |
| " " 1174/31, | Asafo activities in Kwahu |
| " " 1246/31, S.F.13, | The Ga people and the N.A.O. |
| " " 1403/31, S.F. | Demonstrations against the Income Tax |
| " " 1697, | Native Administration in the Gold Coast |

| | |
|--------------------|---------------------------------------------------------------------------------------------------|
| G.N.A., ACC.70/64, | A.R.P.S. correspondence |
| " " 731/56, | J.P.C. correspondence |
| " " 768/56, | |
| " " 805/56, | Resolution by the Provincial Council of the Eastern Province on Wallace-Johnson and Azikiwe |

Ghana National Archives, Cape Coast (Selective Bibliography)

| | |
|-----------------------|-------------------------------------------------------------------------------------------|
| G.N.A., ADM.23/1/364, | Cape Coast Native Affairs |
| " " 431, | Income Tax Bill of 1931 |
| " " 502, | Asafo activities |
| " " 507, | The N.A.O. |
| " " 684, | |
| " " 753, | |
| " " 760, | Asafo activities |
| " " 798, | Cocoa hold-up of 1930-31 |
| " " 932, | Notes on the Asafo system |
| " " 945, | J.P.C. correspondence |
| " " 970, | |
| " " 1391, | Asafo activities |
| G.N.A., ACC.7/64 | Resolution by chiefs and A.R.P.S. |
| " " 8/64 | Protest against the N.A.O. |
| " " 77/64, F.No.5, | A.R.P.S. correspondence |
| " " 90/64, | Asafo system in Cape Coast |
| " " 331/64, F.No.2, | Asamangkesa-Akim Abualkwa dispute |
| " " 103 | A.R.P.S. petition and Delegation against the 1925 Constitution |
| " " 112/65, | Provincial Councils of Chiefs |
| " " 128/65, F.No.41, | Asafo activities in Cape Coast |
| " " 137/65, F.No.50, | Protest against the Income Tax |
| " " 338/65 to 360/65, | Minutes of the sessions of the Provincial Council from July 1936 until January 1952 |

(III) PRIVATE PAPERS

G. E. Moore papers, Ghana National Archives, Accra.

Kobina Sekyi (W.E.G. Sekyi) Papers, Ghana National Archives, Cape Coast.

Typescript copy of some Wallace-Johnson Papers, Institute of African Studies, University of Ghana, Legon.

(IV) UNPUBLISHED THESES

Asante, S. K. B., "The West African Response to the Italo-Ethiopian Crisis, 1934-1942", University of London, Ph.D.thesis, 1972.

Denzer, La Ray E., "The National Congress of British West Africa: Gold Coast Section", University of Ghana, Legon, M.A. thesis, 1965.

Frimpong, J. H. S., "The Joint Provincial Council of Paramount Chiefs and the Politics of Independence in the Gold Coast (Ghana), 1946-1958", University of Ghana, Legon, M.A. thesis, 1966.

Holmes, IV, A. B., "Economic and Political Organisations in the Gold Coast, 1920-1945, University of Chicago, Ph.D.thesis, 1972.

Stone, R. L., "Colonial Administration and Rural Politics in South-Central Ghana, 1919-1951", University of Cambridge, Ph.D.thesis, 1974.

(B) PUBLISHED SOURCES

(V) OFFICIAL PUBLICATIONS

Annual Administrative Reports on the Eastern, Central and Western Provinces of the Gold Coast Colony.

Blue Books, Gold Coast Government.

Departmental Reports, Gold Coast Government.

Gazettes, Gold Coast Government.

Legislative Council Debates, Gold Coast.

Parliamentary Debates, London.

Report by the Hon. W. G. A. Ormsby-Gore, M.P. (Parliamentary Under Secretary of State for the Colonies), on his visit to West Africa during the year 1926, Cmd.2744.

Report of the Commission on the Marketing of West African Cocoa, 1938, Cmd.5845.

Report by Lord Hailey: Native Administration and Political Development in British Tropical Africa, 1940-42.

Report of the Native Tribunals Committee of Enquiry, 1943 (Blackall Committee).

Report of the Commission of Enquiry into the Disturbances in the Gold Coast, 1948 (Watson Report, Colonial No.231.

Report to His Excellency the Governor by the Committee on Constitutional Reform, 1949 (the Coussey Report).

Report by the Chief Commissioner, Sir Sydney Philipson, on Regional Administration, Accra, 1951.

Report by the Select Committee on Local Government, Accra, 1951.

Report of the Commission on Native Courts (Korsah Commission), 1951.

Report of a Commission appointed to enquire into the Affairs of Akim Abualkwa State, Accra, 1958.

Sessional Paper No.VII, 1919-1920, Correspondence relating to the N.C.B.W.A.

Sessional Paper No.X, 1920-1921, Further Correspondence relating to the N.C.B.W.A.

Sessional Paper No.X, 1925-1926, Report of an inquiry into the destoolment of Ga Mantse.

Sessional Paper No.XII, 1927-1928, Despatches relating to the Native Administration Ordinance.

Sessional Paper No.V, 1929-1930, Enquiry into the alleged deposition of Nana Kwaku, Omanhene of New Juaben.

Sessional Paper No.XI, 1934, Papers relating to the Petition of the Delegation from the Gold Coast and Ashanti.

(VI) NEWSPAPERS AND JOURNALS

The African Morning Post

The Gold Coast Independent.

The Gold Coast Leader.

The Gold Coast Observer.

The Gold Coast Spectator.

The Gold Coast Times.

The Times (London).

The Times of West Africa.

The Vox-Populi.

West Africa (London).

(VII) BOOKS, PAMPHLETS AND ARTICLES

AFIGBO, A.E., "Revolution and Reaction in Eastern Nigeria, 1900-1929: The Background to the Women's Riot of 1929", in Journal of the Historical Society of Nigeria, vol.III, No.3, Dec.1966, 539-558.

AGBODEKA, Francis, African Politics and British in the Gold Coast, 1868-1900: A Study in the forms and force of protest, London, Longmans, 1971.

"Sir Gordon Guggisberg's Contribution to the Development of the Gold Coast, 1919-1927", in T.H.S.G., vol.XIII, No.1, June, 1972, 51-64.

AKPAN, N.U., Epitaph to Indirect Rule: A Discourse on Local Government in Africa, London, 1956.

ANSU, K. and PORTER, R., "The Asafo System in Historical Perspective: An Inquiry into the Origin and Development of a Ghanaian Institution", in J.A.H., XII, 2, 1971, 279-297.

- APTER, D., Ghana in Transition, Princeton paperback edition, 1972 (first edition 1955).
- AUSTIN, D., Politics in Ghana, 1946-1960, Oxford paperback edition, 1970 (first edition 1964).
- AZIKIWE, N., Renascent Africa, London, 1968 (first edition 1937).
- BOAHEN, A. A., "Asante, Fante and the British, 1800-1880", in J. F. A. Ajayi and I. Espie (eds.), A Thousand Years of West African History, Ibadan, 1965, 341-358.
- "The Origin of the Akan", in Ghana Notes and Queries, no.9, Nov. 1966, 3-10.
- "Politics in Ghana, 1800-1874", in J. F. A. Ajayi and M. Crowder (eds.), History of West Africa, vol.2, London, 1974, 167-261.
- BROKENSHA, D., "The Resilient Chieftaincy at Larteh, Ghana", in M. Crowder and O. Ikime, (eds.), West African Chiefs: Their Changing Status under Colonial Rule and Independence, University of Ife Press, 1970, 393-407.
- BUELL, B. L., The Native Problem in Africa, London, 1965 (first edition 1928).
- BULL, Mary, "Indirect Rule in Northern Nigeria, 1906-1911", in K. Robinson and F. Madden (eds.), Essays in Imperial Government: Presented to Margery Perham, Oxford, 1963.
- BURNS, Sir Alan, Colonial Civil Servant, London, 1949.
- BUSIA, K. A., The Position of the Chief in the Modern Political System of Ashanti: A Study of the Influence of Contemporary Social Changes on Ashanti Political Institutions. London, Frank Cass and Co. Ltd., 1968 (first edition 1951).
- CAMERON, Donald, Nigeria: The Principles of Native Administration and their Application, Lagos, Government Printing Department, 1934.
- CHIN, Sheng Pao, The Gold Coast Delegations to Britain in 1934: The Political Background, Tapei, Taiwan, Republic of China, 1970.
- CHRISTENSEN, J. B., Double Descent Among the Fanti, New Haven, 1954.
- "African Political Systems: Indirect Rule and Democratic Process", in Phylon, vol. XV, No. 1, 1954.
- COLEMAN, J. S., Nigeria: Background to Nationalism, Berkeley, California, 1958.
- COOMBS, D., The Gold Coast, Britain and the Netherlands, 1850-1874. London, 1963.

- COWAN, L. G., Local Government in West Africa, New York, 1958.
- COX-GEORGE, N. A., Studies in Finance and Development: The Gold Coast (Ghana) Experience, 1914-1950. London, 1973.
- CROCKER, M., Nigeria: A Critique of British Colonial Administration. London, 1936.
- CROWDER, M., "Indirect Rule: French and British Style", in Africa, vol. XXXIV, No. 3, July 1964, 197-206.
- West Africa under Colonial Rule. London, 1970 (second impression).
- and O. Ikime (eds.), West African Chiefs: Their Changing Status under Colonial Rule and Independence. University of Ife Press, 1970.
- CRUICKSHANK, B., Eighteen Years on the Gold Coast of Africa, London, 1853.
- DANQUAH, J. B., Akan Laws and Customs and the Akim Abuakwa Constitution, London 1928.
- Liberty of the Subject: A Monograph on the Gold Coast Cocoa Hold-up and Boycott of Foreign Goods, 1937-38, Kibi, G. Boakie Publishing Co., 1938.
- Self-Help and Expansion: A Review of the Work and Aims of the Youth Conference, with a Statement of its Policy for 1947, and the Action Consequent upon that Policy, Accra, 1943.
- "The Historical Significance of the Bond of 1844", in T.H.S.G., III, part 1, 1957.
- Historic Speeches and Writings on Ghana. Accra (n.d.) compiled by H. K. Akyeampong.
- ECHERUO, M. J. C., "Nnamdi Azikiwe and Nineteenth-Century Nigerian Thought", in Journal of Modern African Studies, vol. 12, No. 2, 1974, 245-263.
- FFOULKES, A., "The Company System in Cape Coast Castle", in Journal of the Royal African Society, 7, No. XXV, Oct. 1907, 261-277.
- FIELD, M. J., Religion and Medicine of the Ga People. Oxford University Press, 1961 (first edition 1937).
- Social Organisation of the Ga People. London, 1940.

- FITCH, R. and OPPENHEIMER, Ghana: End of Illusion. New York, 1970.
- FOLSON, B. D. G., "The Development of Socialist Ideology in Ghana, 1949-1959," in Ghana Social Science Journal, vol.a, No.a, 1971, 1-21.
- FLINT, J. E., Sir George Goldie and the Making of Nigeria. London, 1960.
- FORTES, M. and EVANS-PRITCHARD, E. E., African Political Systems. London, 1940.
- FOSTER, P. J., Education and Social Change in Ghana. London, 1971 (third impression).
- FRIMPONG, J. H. S., "The Joint Provincial Council of the Chiefs and the Politics of Independence, 1946-1958", in T.H.S.G., vol.XIV, No.1, June, 1973, 79-91.
- FYFE, C., A History of Sierra Leone, Oxford, 1962.
- Africanus Horton, 1835-1883: West African Scientist and Patriot, New York, 1972.
- FYNN, J. K., Asante and its Neighbours, 1700-1807. London, 1971.
- GUGGISBERG, Sir F. G., The Gold Coast: A Review of the Events, 1920-1926 and the Prospects of 1927-28. Accra, Government Printing Dept., 1927.
- GWYNN, S., The Life of Mary Kingsley. London 1932.
- HAILEY, Lord, An African Survey: A Study of Problems arising in Africa South of the Sahara. Oxford University Press, 1938.
- Native Administration in the British African Territories. London, 1951.
- HARVEY, W. B., Law and Social Change in Ghana. Princeton, 1966.
- HAYDON, A. P., "The Good Public Servant of the State: Sir Matthew Nathan as Governor of the Gold Coast, 1900-1904", in T.H.S.G., vol.XI, 1970, 105-121.
- HAYFORD, J. E. C., The Gold Coast Native Institutions. London 1970 (first edition, 1903).
- The Truth About the West African Land Question. London, 1971 (first edition, 1913).
- HODSON, Sir A. W., Travels and Sport in the Kalahari Desert. London, 1912.
- An Account of Lion Hunting and Exploration in South West Abyssinia. London, 1929.

- HOOKER, J. R., Black Revolutionary: George Padmore's Path from Communism to Pan-Africanism. New York, 1967.
- HORTON, James Africanus, West African Countries and Peoples. Edinburgh, 1969, with an introduction by George Shepperson (first edition, 1868).
- IKIME, O., "Reconsidering Indirect Rule: The Nigerian Example", in Journal of the Historical Society of Nigeria, vol. IV, No. 3, Dec., 1968, 421-438.
- JOHNSON, J. W. De Graft, Towards Nationhood in West Africa. London, 1971 (first edition, 1928).
- JOHNSON, K. E. De Graft, "The Evolution of Elites in Ghana", in P. C. Lloyd (ed.), The New Elites of Tropical Africa, Oxford, 1966.
- JOHNSON, T. J., "Protest: Tradition and Change: An Analysis of Southern Gold Coast Riots, 1890-1920", in Economy and Society, vol. 1, 1972, 164-193.
- JONES, G. I., "Chieftaincy in the Former Eastern Region of Nigeria", in M. Crowder and O. Ikime (eds.), West African Chiefs. Ife University Press, 1970.
- JONES-QUARTEY, K. A. B., A Summary History of the Ghana Press. Accra, 1974.
- KAY, G. B., (ed.), The Political Economy of Colonialism in Ghana: A Collection of Documents and Statistics, 1900-1960. Cambridge, 1972.
- KIMBLE, D., A Political History of Ghana: The Rise of Gold Coast Nationalism, 1850-1928. Oxford University Press, 1963.
- KINGSLEY, Mary H., Travels in West Africa. London, 1965, with an introduction by J. E. Flint (first edition, 1897).
- West African Studies. London, 1902 (first edition 1899).
- KIRK-GREENE, A. H. M., (ed.), The Principles of Native Administration in Nigeria: Selected Documents, 1900-1947. London, 1965.
- KRAUS, J., "On the Politics of Nationalism and Social Change in Ghana", in Journal of Modern African Studies, vol. 7, No. 1, April, 1969, 107-130.
- LANGLEY, J. A., "Modernization and its Malcontents; Kobina Sekyi of Ghana and the Re-Statement of African Political Theory, 1892-1956", in Political Theory and Ideology in African Society: proceedings of a seminar held in the Centre of African Studies, University of Edinburgh, 27th and 28th, Feb., 1970.
- Pan-Africanism and Nationalism in West Africa, 1900-1945.
- A Study in Ideology and Social Classes. London 1973.

- LLOYD, P. C., (ed.), The New Elites of Tropical Africa. Oxford, 1966.
- LUGARD, Lord, The Dual Mandate in British Tropical Africa, London, 1965, with an introduction by M. Perham (first edition, 1922).
- MacMILLAN, W. M., "The Importance of the Educated African", in the Journal of the African Society, vol.XXX, No.CXXX, Jan., 1934.
- MAIR, L. P., Native Policies in Africa, London, 1936.
- MANOUKIAN, M., Akan and Ga-Adangme Peoples. London, 1964 (first edition, 1950).
- MATTHEWS, Z. K., "An African View of Indirect Rule", in Journal of the Royal African Society, vol.XXVI, No.CXLV, Oct., 1937, 433-37.
- METCALFE, G. E., Maclean of the Gold Coast: The Life and Times of George Maclean, 1801-1847. London, 1962.
- (collected) Great Britain and Ghana: Documents of Ghana History, 1807-1957. London, 1964.
- MILBURN, J., "The 1938 Gold Coast Cocoa Crisis: British Business and the Colonial Office", in African Historical Studies, vol.III, No.1, 1970, 57-74.
- MITCHELL, Sir Philip, "Indirect Rule", in The Uganda Journal, IV, No.2, 1936, 101-107.
- MOHAN, J., "Nkrumah and Nkrumaism", in the Socialist Register, 1967, 192-228.
- MURRAY, A. V., "Education Under Indirect Rule", in Journal of the Royal African Society, vol.XXXIV, No.CXXXVI, July, 1935, 227-268.
- NICOLSON, I. F., The Administration of Nigeria, 1900-1960. Oxford, 1969.
- NKRUMAH, K., The Autobiography of Kwame Nkrumah. Edinburgh, 1957.
- NSARKOH, J. K., Local Government in Ghana, Accra, 1964.
- OWUSU, Maxwell, Uses and Abuses of Political Power: A Case Study of Continuity and Change in the Politics of Ghana. Princeton, 1970.
- PERHAM, M., "A Re-Statement of Indirect Rule", in Africa, vol.VII, No.3, July, 1934, 321-334.
- "Some Problems of Indirect Rule in Africa", in Journal of the Royal African Society, vol.XXIV, July, 1935, 230-246.
- Native Administration in Nigeria. London, 1962 (first edition, 1937.)

PERHAM, M., Lugard: The Years of Adventure, 1858-1898: The First part of the Life of F. D. Lugard, later Lord Lugard of Abinger. London, 1956.

Lugard: The Years of Authority, 1898-1945: The second part of the Life of F. D. Lugard, later Lord Lugard of Abinger. London, 1960.

The Colonial Reckoning. London, 1961.

RATTRAY, R. S., Ashanti. Oxford, 1969 (first edition, 1923).

Ashanti Law and Constitution. Oxford, 1969 (first edition, 1929).

The Tribes of the Ashanti Hinterland, Oxford, 1969, (first edition, 1932).

"Present Tendencies of African Colonial Government", in Journal of the African Society, vol.XXXIII, No.CXXX, Jan.1934.

REINDORF, Rev. Carl C., The History of the Gold Coast and Asante: Based on Traditions and Historical Facts comprising a period of more than three centuries from about 1500 to 1866. Accra, 1966 (second repr.).

RHODIE, Sam, "The Gold Coast Aborigines Abroad", in J.A.H., vol.VI, No. 3, 1965, 389-411.

"The Gold Coast Cocoa Hold-Up of 1930-31", in T.H.S.G., vol.IX, 1968, 105-118.

ROBINSON, R. E., "Why Indirect Rule has been replaced by Local Government in the Nomenclature of British Native Administration", in Journal of African Administration, vol.II, July, 1950, 12-15.

SAMPSON, M. J., (collected) West African Leadership: Public Speeches of J. E. Casely-Hayford. London, 1969.

Gold Coast Men of Affairs, Past and Present. London, 1969, with an introduction by J. B. Danquah.

SARBAH, J. M., Fanti Customary Laws: A brief introduction to the Principles of the Native laws and customs of the Fanti and Akan districts of the Gold Coast. London, 1968, with a new introduction by H. R. Lynch (first edition, 1897).

Fanti National Constitution: A short treatise on the constitution and government of Fanti, Ashanti, and other Akan tribes of West Africa. London, 1968, with a new introduction by H. R. Lynch (first edition, 1906).

SHALOFF, S., "The Press and Politics in Accra: The Accra Legislative Council Election of 1935", in Societas: A Review of Social History, vol.1, No.3, 1971, 207-221.

SHEPPERSON, G., "An early African Graduate: James Africanus Beale Horton", in University of Edinburgh Gazette, No.32, Jan., 1962.

SIMENSEN, J., "Rural Mass Action in the Context of Anti-Colonial Protest: The Asafo Movement of Akim Abuakwa, Ghana", in Canadian Journal of African Studies, vol.VII, No.1, 1974, 25-41.

SPITZER, Leo and DENZER, La Ray, "I. T. A. Wallace-Johnson and the West African Youth League", in The International Journal of African Historical Studies, vol.6, No.3, 1973, 412-452, and vol.6, No.4, 1973, 565-601.

TAYLOR, A. J. P., English History, 1914-45. Oxford, 1965.

TEMPLE, C. L., Native Races and their Rulers: Sketches and Studies of Official Life and Administrative Problems in Nigeria. London, 1968 (first edition, 1918).

WARD, W. E. F., A History of the Gold Coast. London, 1948.

WIGHT, M., The Gold Coast Legislative Council. London, 1947.

WILKS, I., "The Rise of the Akwamu Empire, 1650-1710", in T.H.S.G., vol.III, pt.2, 1957, 99-130.

WRAITH, R. E., Guggisberg. London, 1967.

ZOLBERG, A. R., Creating Political Order. Chicago, 1966.